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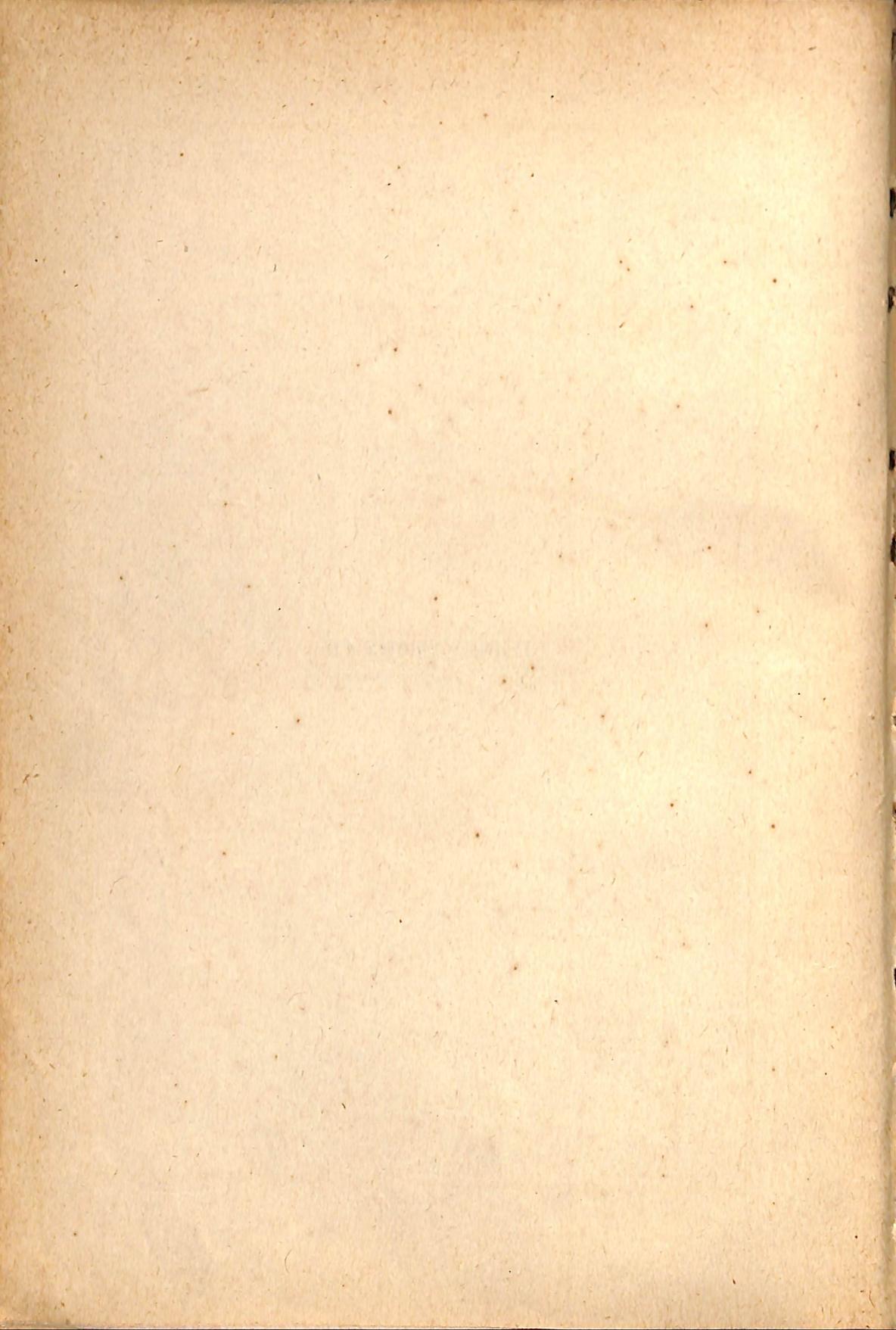
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**THREE YEARS OF
ENEMY OCCUPATION**



THREE YEARS OF ENEMY OCCUPATION

THE ISSUE OF
POLITICAL COLLABORATION
IN THE
PHILIPPINES

By Claro M. Recto



PEOPLE'S PUBLISHERS
MANILA, PHILIPPINES
1946

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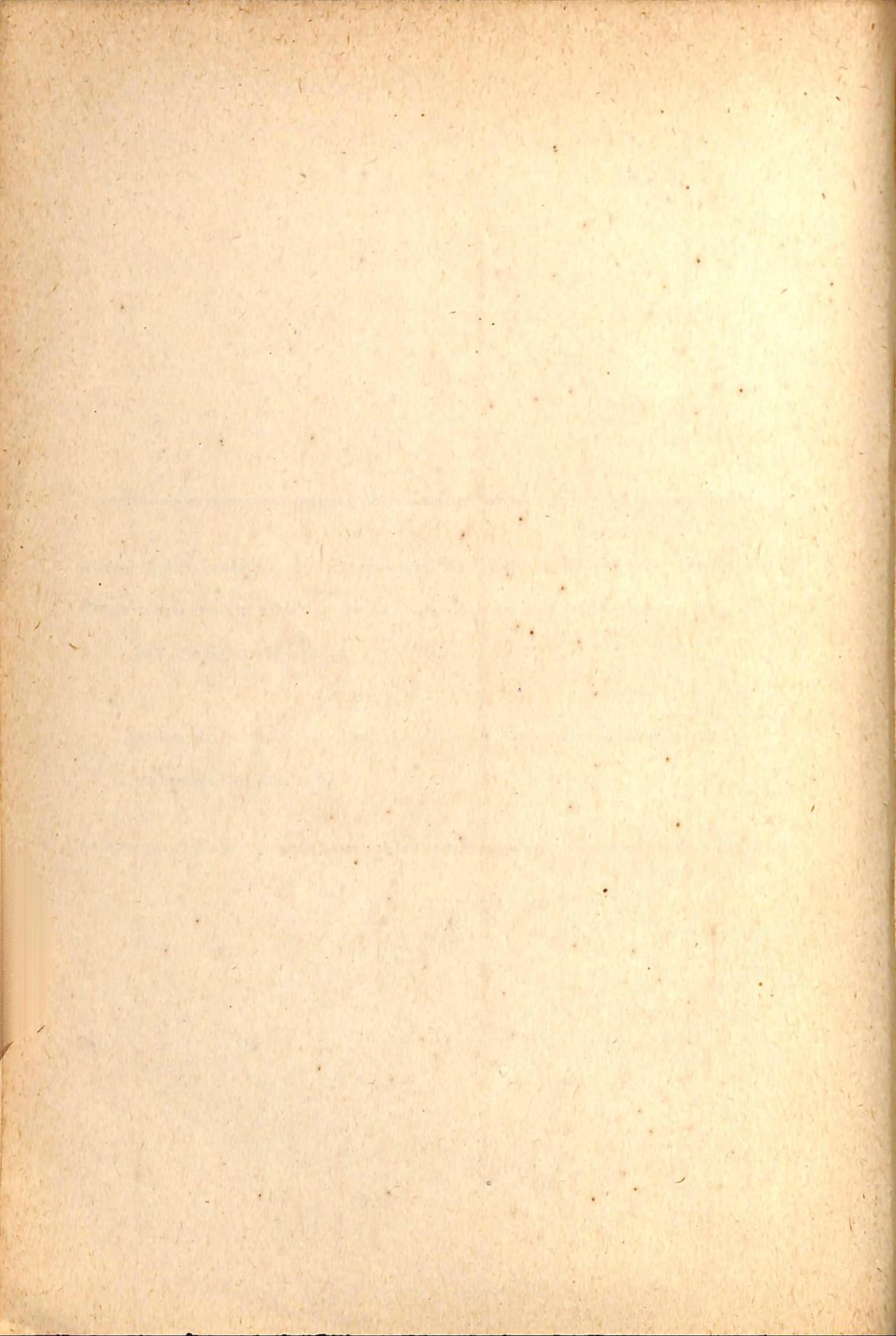
Kaw B. Dico

**And why beholdest thou the mote that is in thy neighbor's
eye, but considerest not the beam that is in thine own eye?**

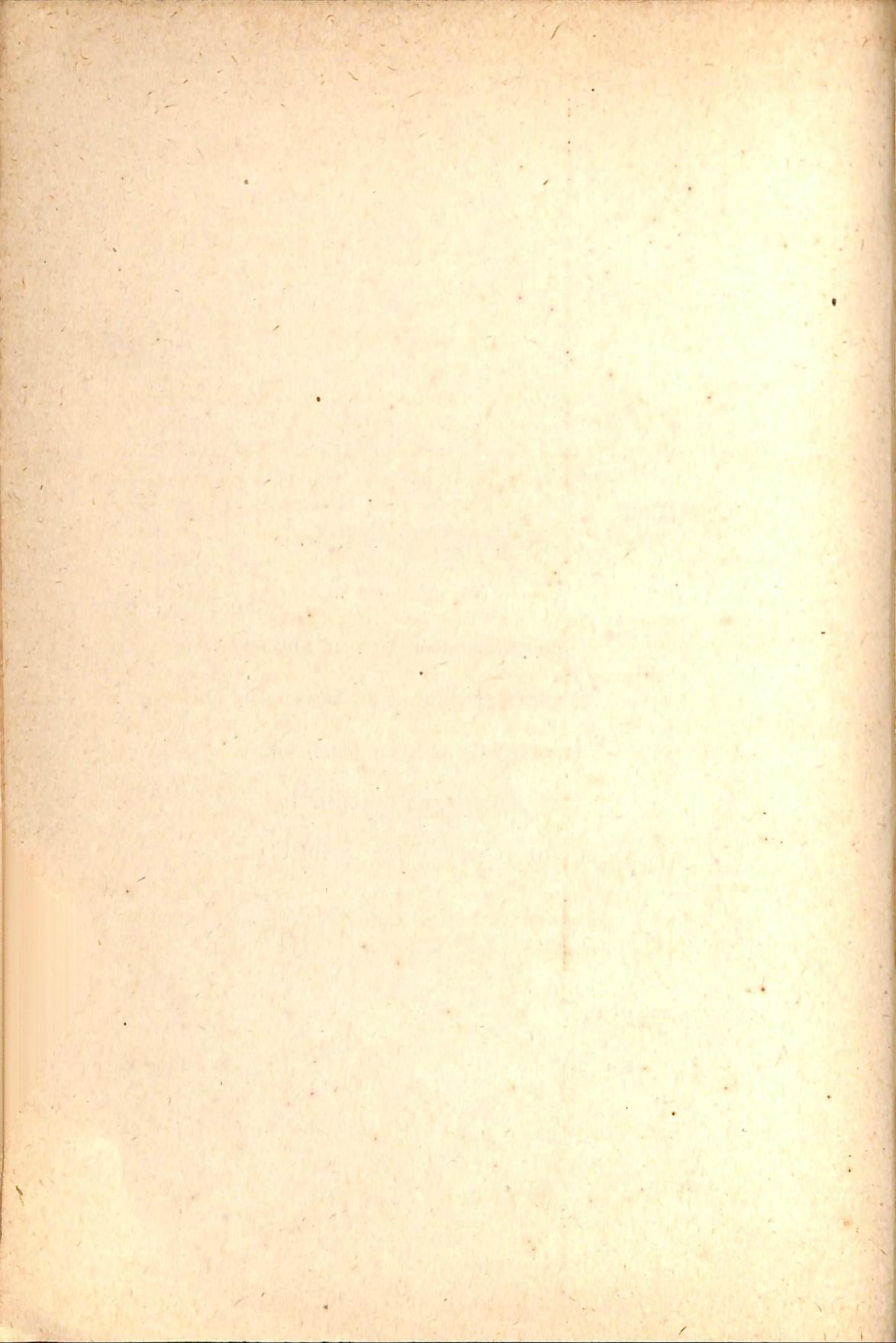
— St. Matthew 7:3

Now is the time to replace hysteria with judgment.

— Eisenhower



To
Manuel L. Quezon
the memory of
whose positive genius and
peerless creative leadership will
remain the durable touchstone
of Filipino self-respect in
any concert of free peoples



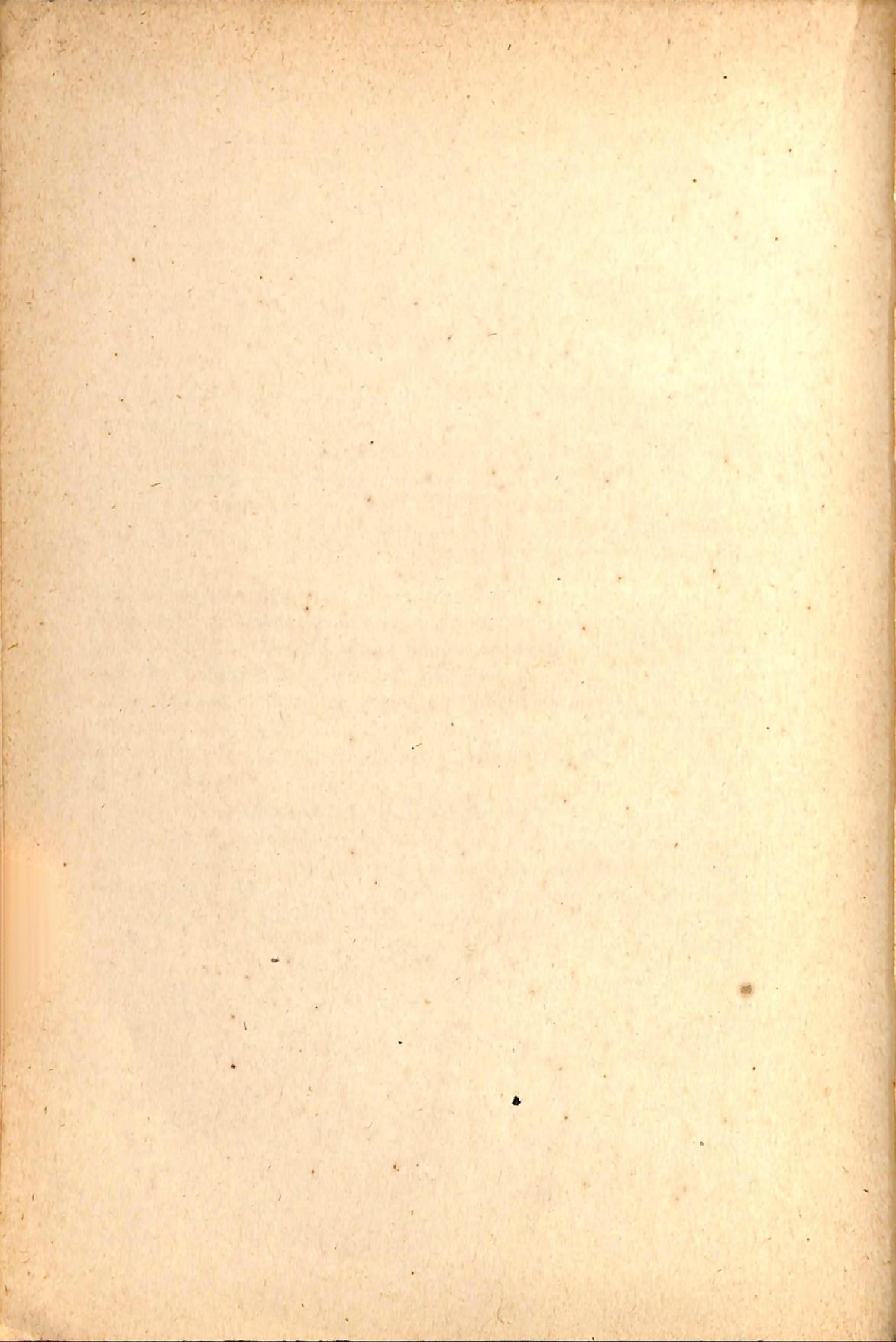
EDITORIAL NOTE

THE material used in this account does not pretend to include facts privy to the chief actors in the story of Philippine collaboration. This is neither the time nor the occasion to expect them. It remains to these actors individually to disclose them according as they are afforded the opportunity—at their trials or in their memoirs; and in the mass of surviving official or personal documents still in private hands that will form part of the heritage of subsequent investigators.

All the facts presented here are only such facts as were and still are accessible to any ordinary private citizen literate enough to notice and recall them or interested enough to check them up if he is so disposed. It is the author's conviction that even with these facts alone as they are, which are available to all, it is sufficient to understand the collaboration question and be intelligent about it without necessarily aspiring to deify or crucify any fellow citizen, whatever the moral value of such an aspiration.

The issue of political collaboration under the Japanese régime is the problem of recognizing and establishing a substantial basis on which to carry on with the imperishable heritage left by Rizal and other Filipino heroes without apology to anyone in the world. The Filipinos stand or fall on what they themselves did when the wolves were around, so God help them.

F. M.



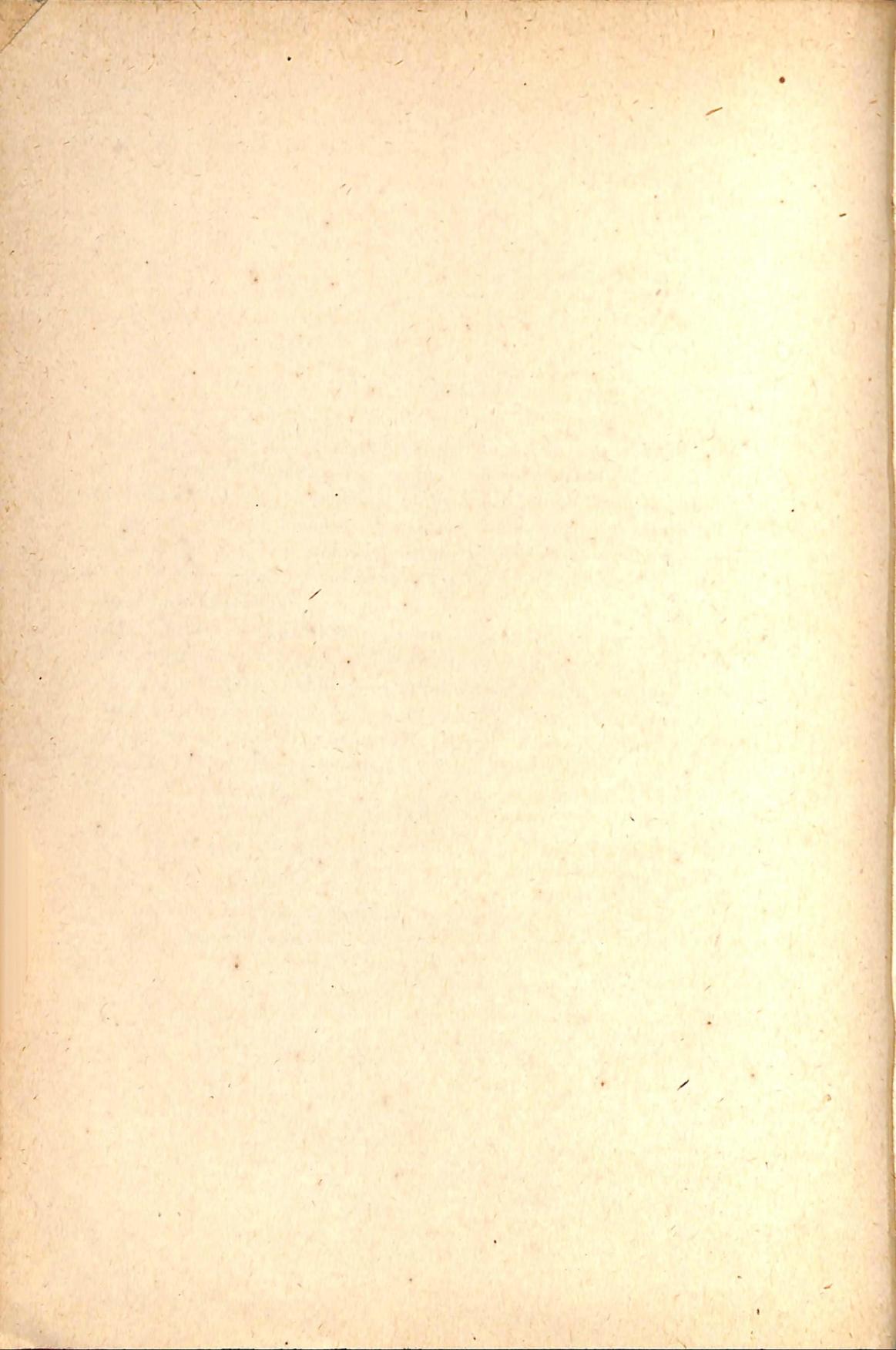
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“THREE Years of Enemy Occupation” by Claro M. Recto, former associate justice of our Supreme Court and President of the Philippine Constitutional Convention which wrote the Commonwealth Constitution, constitutes the first serious attempt by any responsible person anywhere to present a much debated question with anything like utter dispassion and comprehensiveness of documentation. It is an achievement in sober research on the most tragic and troublesome question of our time. The conclusions of the book are any intelligent reader’s own responsibility and the Philippine Council, Institute of Pacific Relations, takes it in the nature of a public obligation to recommend a searching perusal of the work as a responsible means of understanding what happened in the Philippines during the nightmare which, on the record, is known as the Japanese Conquest and Occupation of the Philippines.

CONRADO BENITEZ
Chairman

Institute of Pacific Relations
Philippine Council

Manila, February 1, 1946



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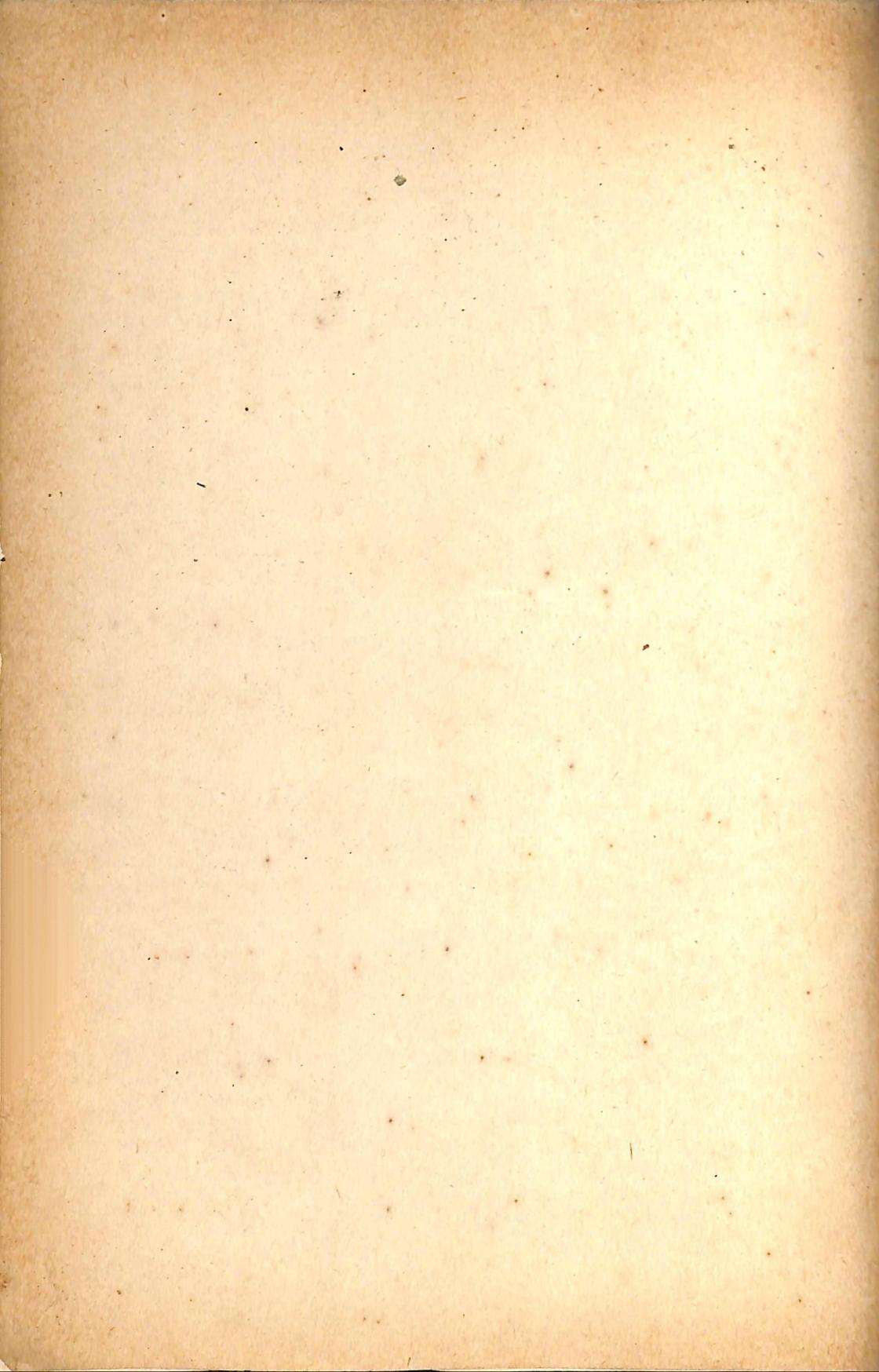
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THREE YEARS OF
ENEMY OCCUPATION



**Purpose and scope of
this writing**

THE end of the war against Japan has brought in its train a multitude of problems in the Philippines whose satisfactory solution calls for the clearest vision and highest statesmanship of the present leaders. Rehabilitation is, of course, the most immediate of these problems. But most ticklish and far-reaching in significance, because it affects the unity of the people, is the issue of collaboration. Upon how it is handled and solved shall in a great measure depend whether in many years to come the Filipinos will stand united or divided against themselves.

Since the return of the victorious Americans, a smear campaign has been conducted against the group of Filipinos to whom the legacy of leadership during the interlude of Japanese occupation was left by President Quezon. It cannot but be noted with satisfaction that the real heroes of the resistance movement have preserved their equanimity and have shown a true sense of understanding; but oddly enough, men who during the occupation stayed in hiding for fear of facing the invader, or, while remaining in political anonymity, engaged in profitable transactions even to the extent of trading with the enemy, came out upon the liberation and from their positions of power in which a new dispensation has placed them, fancying themselves the real liberators of their country, began hurling charges of treason indiscriminately against everyone who worked in the governments established here by the Japanese. Partisan sections of the local press, flushed with their newly recovered freedom, took up the cry which soon echoed in certain high official quarters in Washington.

So far only the accusers, the neo-patriots of post-liberation vintage, have made themselves overly heard. The accused, whisked upon military orders to a distant penal colony, could only ponder what they believed was an unjust incarceration. Their individual cases will be tried and decided by courts of justice, and except by defenses properly presented before those courts they would not wish to influence that decision.

But the public, here and in the United States, before which as a class they have been indicted and condemned for treasonable collaboration, is entitled to look at the other side of the question.

This book is not to plead in their behalf but to analyse, as dispassionately and objectively as possible, for a better and fuller understanding of the question of collaboration, certain facts and events which are within the knowledge of anyone who has followed conscientiously the recent and contemporary historical developments in the Far East, particularly Japan's policies in her relations with the Philippines and the other neighboring countries before and after Pearl Harbor and in the course of the Pacific war.

Because of their very nature the acts of the Filipino officials during the Japanese occupation pertaining to their respective departments and offices are not treated here, nor the individual efforts of some or most of them, whether in their official capacity or beyond it, to help and protect the people and to give aid and support to the resistance movement.

Matters which are known only to them and which, if revealed, would bring to light the circumstances surrounding many of their important actuations, are likewise excluded, although in a few instances they are given passing reference. Thus no discussion is made here of important facts in connection with the preparation of the constitution for the republic; the signing of the pact of alliance; the declaration of the existence of a state of war; the conscription of Filipino labor; the general attitude of most members of the Vargas and Laurel governments toward the KALIBAPI; their stern opposition to the organization of the MAKAPILIS and to the desire of the Japanese high command to have its heads included in the Laurel cabinet; the posting of military police guards at the homes and offices of the members of that cabinet shortly after the first bombing of Manila; the taking of the members of that cabinet, under military guard, to Baguio toward the end of the occupation; and the taking of Mr. Laurel and other Filipino officials to Japan, upon the withdrawal of General Yamashita's forces to their mountain hideouts.

Japan's blueprint of "East Asia Co-Prosperity Sphere"

Students of oriental history are familiar with the complete Japanese program of conquest and domination prepared in advance for their Far Eastern adventure. Inspired by dreams of destiny characteristic of fanatical races, the Japanese had such confidence in their "divine mission" that they felt no hesitation in revealing to the world their pattern of empire. The actual beginnings of this divine consciousness are lost in the dim haze of the past. Perhaps the dubious victory won over Russia in 1905 gave it birth. Whatever started it, the process reached its crystallization in 1927, when Baron Tanaka put in black and white what theretofore had been but vague longings. In order to

conquer the world, said Tanaka in his famous memorial, Japan must first conquer China, and in order to conquer China she must first conquer Manchuria and Mongolia. Sooner or later, he continued, Japan would have to fight Soviet Russia, and one day she would have to clash with America.

This was Japan's article of faith so boldly expressed in the Tanaka memorial. Not long after, Manchuria was conquered and the puppet state of Manchukuo came into being.

At this point there was a slight revision in the Japanese plan. Until the early thirties the dream was avowedly one of world domination. In 1932 General Araki, then Minister of War, had it in mind when he said that the spirit of the Japanese nation was a thing that must be propagated over the seven seas and extended over the five continents, and that anything that might hinder its progress must be abolished, by force if necessary. The revision was obviously dictated by motives of prudence and expediency, for the ensuing trend of international events, in the shaping of which Japan had decided to take a hand, demanded that she present a concrete program which, on the surface at least, would appear attractive and workable in a world of fiercely divided loyalties. So the "Greater East Asia Co-prosperity Sphere" was conceived.

In June 1940 Foreign Minister Arita crystallized this phase of Japan's foreign policy in a radio address that he delivered. It seems to be, he said, a most natural step that peoples closely related with one another geographically, culturally and economically should first form a sphere of their own for co-existence and co-prosperity and establish peace and order within that sphere. The countries of East Asia and the regions of the South Seas, according to him, are geographically, historically, racially and economically very closely related to one another, and the uniting of all these regions within a single sphere is a natural conclusion.

After referring to the need for a stabilizing force in the sphere, he calmly volunteered Japan for the role, declaring that the destiny of these regions—any development therein and any disposal thereof—is a matter of grave concern to Japan in view of her mission and responsibility as the stabilizing force in East Asia. Soon after, on July 23, 1940, Premier Konoye himself broadcast an address in the same vein, and said that in order to end the system under which Japan was dependent on other countries, it was important to forge close ties of economic cooperation with China and Manchukuo and "to further advance in the South Seas."

Admiral Sokichi Takahashi, in his work "Japan's Advance and the Southern Pacific," published in the same year, was even more explicit, and explained the meaning of the New Order in East Asia as an economic bloc with the linking of Japan, Manchukuo and China, and the inclusion in this bloc of all the southern Pacific region—Netherlands East Indies, French Indo-China, the Philippines and others.

All these were authorized official statements placing emphasis, so far, on the economic aspect of the co-prosperity idea. Statements by other prominent Japanese outside the government were, however, more comprehensive and of more far-reaching significance. Analysing the steps to be taken in organizing the sphere, Iwao F. Ayusawa, in July 1940, wrote that the nations in the sphere should *pool their sovereignties* and submit any dispute for settlement by the regional authority, meaning Japan; that *defence should be collectively organized and placed under the control of this regional authority*; and that plans should be worked out for the *collective economic life of the region*, including customs, currencies, banking, production, capital investments, exports and imports, migration and labor conditions. In August 1940, Kikomatsu Kawakami wrote that the "basic principles" for the establishment of Japan's "New World Order" were the following: "(1) Construction of blocs or regional empires by the powerful races; (2) the granting of mutual autonomous independence to the weak and smaller races; (3) a world peace based on an inter-bloc balance of power which will supersede the old racial or continental peace."

Blueprint translated into action

All items were thus minutely listed in the Japanese agenda even before the start of the Pacific War. The idea of a co-prosperity sphere among the countries of East Asia, divorced from the Japanese pattern of empire, is "morally unassailable." But everybody knew that the term "co-prosperity sphere", as the Japanese envisaged it, was an ironic misnomer, and that what Japan had really up her sleeve was to bring the countries that were geographically within the "sphere" under her iron heel politically, economically and in all other respects.

Manchukuo and the Nanking régime were then already an object lesson. It was not long before Siam and French Indo-China's turn came. Japan got her cue in their case by a border incident between the two countries in September 1940. Promptly Japan offered her good offices to mediate. How well Japan carried out her designs is graphically described in *Time* (February 10, 1941, p. 34) as follows:

The Japanese cruiser *Natori* steamed into Saigon harbor. Off the southeast Indo-Chinese coast appeared two Japanese aircraft carriers, two cruisers and two torpedo boats. Planes from the carriers cruised low over the city. At an appointed hour six French and six Thai delegates were taken aboard the *Natori*, where seven white-uniformed Japanese officers headed by the Chief of the Japanese Military Mission in Indo-China Major General Reishiro Sumita received them with bows and toothy smiles.

Tea was served; then the delegates prepared to mediate. Before either Thailand or Indo-China could present a claim or grievance, Japan handed both a bill for her services as mediator—to be paid in advance. She demanded: a virtual monopoly over

Indo-China's production of rice, rubber and coal; a free hand to exploit Indo-China's natural resources; military garrisons along the Chinese frontier; Japanese inspectors at all Indo-Chinese customs houses; a naval base at strategic Camranh Bay and defense concessions at Saigon; air bases throughout Indo-China. From Thailand she demanded a naval base in the Gulf of Siam for a fleet of 15 battleships, cruisers and auxiliary craft. Unless the terms were accepted on the spot, it was intimated, naval units would go into action and invasion of both countries would follow. The delegates signed.

As may be noted, the bill presented by Japan for her work as "mediator", and which, under the circumstances, Siam and Indo-China had to pay, converted them both into Japanese vassal states.

Japan was ready for the next kill in her expansionist program. Taking advantage of America's unpreparedness and Britain's preoccupation in Europe, she stealthily attacked Pearl Harbor and in an incredibly short time overran the Philippines, Hong-Kong, British Malaya, Burma, Singapore, Guam, Wake, the East Indies and the small islands of Oceania. The geographical prerequisite of the co-prosperity sphere idea was realized.

The next move, which Japan lost no time in announcing, was to promise independence to the conquered peoples, even as she was consolidating her control over them. *For the Greater East Asia Co-prosperity Sphere was, according to the Japanese blueprint, to be composed of ostensibly independent states. "Independence" was to be the sugar coating to disguise the bitter pill inside.* But actually Japan deceived only herself. Neither the conquered countries, like the Philippines, nor the rest of the world ever took her at her word. However, the plan had to be carried out, backed by the inexorable might of Japan at the time and by the pigheaded cocksureness of her colonial administrators.

Independence of Philippines part of Japan's pre-existing well-laid out plan

It is against this backdrop that the independence forced on the Filipinos by Japan must be considered. It was a foregone conclusion that, without in any way relinquishing her firm hold and control over the Philippines, acquired by the right and circumstance of conquest and prompted by motives of avarice, Japan would establish here the semblance of an independent republic. This was essential to lend color and give authentic note to her propaganda scheme of "liberating" the Philippines from the Americans and accomplishing her new code of international morality embodied in the co-prosperity sphere idea.

At the same time Japan knew that she could not, even as mere propaganda, simply grant independence out of her unreciprocated avowals of benevolence and magnanimity. That would be much too altruistic and too transparent to be convincing. So she set a condition

precedent—that the Filipinos should first understand Japan's true intentions and collaborate with her to the fullest extent—and then, faced with the fact that the Filipinos continued to be as hostile as ever, she kept announcing to the world that the condition was being fulfilled.

Consequently, as early as January 21, 1942, scarcely three weeks after Manila was occupied, Tojo declared in a speech before the Diet that the Philippines would be granted "the honor of independence" provided that the condition already mentioned was met. This announcement was followed by voluminous propaganda handouts, consisting of statements by Japanese spokesmen and by prominent Filipinos, who were "requested" to make their comments. Not once did the Filipinos or their leaders ask for or even hint at independence. Nor, in fact, did they welcome it, coming, as it did, from the Japanese, and knowing that it was at best independence in name only.

But a "gift" from the master, masquerading as a "brother oriental", was not a thing to refuse. The officious character of the promise was evident from the fact that thousands of Filipino soldiers were even then shooting it out with the Japanese, and side by side with the Americans, in the battlefields of Bataan and Corregidor. It was an insult both to their intelligence and to their sensibilities to be offered independence at the time by the enemy.

As expressed in an editorial of the *Tribune*, then already a Japanese army organ, "the promise made by Tojo was made at a moment when there was no necessity for him or for the Japanese government to make any such offer; and that he made it then when he did not have to do so added more intensely to the strength and force of the policy of the Japanese empire towards the Philippines." The same paper in the same editorial then put this question to the Filipinos: "If, forty-four years ago, they accepted America's promise of independence, now that they find themselves in a similar situation, must they act differently?" Here was a threat, if worded as an offer. Could the Filipinos conceivably refuse it? But they knew that whether refused or not, independence was inevitable, since it was an essential part of the Japanese scheme for the establishment of the "Greater East Asia Co-prosperity Sphere".

Military administration with Filipino participation—Quezon's last-minute instructions—Threatening proclamations of the Japanese Commander-in-Chief

ON January 2, 1942, the Commander-in-Chief of the Japanese Army issued a proclamation warning the inhabitants of the Philippines that "offering resistance or committing hostile acts against the Japanese forces in any manner, will lead the whole Philippines to ashes," and that those who "disturb the minds of the officials and the people" would be punished with death. On January 3, 1942, another proclamation was issued by the same commander-in-chief declaring the sovereignty of the United States over the Philippines completely terminated, and placing under martial law all the areas occupied by the Japanese army and establishing a military administration therein. The same proclamation enjoined "the authorities and people of the Commonwealth to sever their relations with the United States, to obey faithfully all commands of the Japanese army, to cooperate voluntarily (sic) with the army in its stationing and activities in the Philippines, and to supply to it all its military needs when demanded." It also directed "all public officials to remain in their present posts and to carry on their duties as before." It finally admonished "the people of the Commonwealth to understand the real intentions of the Japanese army and not to be deceived by United States and British propaganda, not to disturb public peace in any way and not to spread fabulous and wild rumors," warning that "such acts will be regarded as hostile and the offenders punished with death, according to martial law."

On January 25, 1942, a provisional Council of State was created. It was preceded by an expression of acquiescence on the part of the Filipino leaders to obey the orders of the Japanese forces—Avanceña, Unson, Aguinaldo (Emilio), Fernandez (Ramon), Madrigal, Roces (Alejandro), Yulo, Laurel, Aquino, Paredes, Alunan, Vargas, Sison, Bocobo, Quirino (Elpidio), Alas, Rodriguez (Eulogio), Baluyut, Marabut, Zulueta (Jose), Sabido, Mendoza, Veloso, Guinto, Lavides.

Tan (Dominador), Perez (Eugenio), Sanidad, Fabella, Arranz, Hernaez (Pedro), Recto. The only names missing were Quezon, Osmeña, Roxas, and Abad Santos, who were no longer in Manila at the time, having left with the retreating army of General MacArthur, and Sumulong and Gabaldon, who were ill at the time.

"In compliance with your advice," these leaders responded to the directive of the Japanese Commander-in-Chief, who had summoned them to his headquarters, "and having in mind the great ideals, the freedom and the happiness of our country, we are ready to obey to the best of our ability and within the means at our disposal the orders issued by the Imperial Japanese Forces for the maintenance of peace and order and the promotion of the well-being of our people under the Japanese Military Administration." "Consequently," they concluded, "we have constituted ourselves into a provisional Philippine Council of State and we are immediately proceeding to draft our Articles of Organization in line with Your Excellency's advice."

In reality it was no advice. It was an order emanating from no less an authority than the Commander-in-Chief of the Japanese army of occupation. And these Filipino leaders had to obey, pursuant to the proclamations of the said commander-in-chief, just as the inhabitants of a territory occupied by the United States Army would have to obey "at the peril of their lives" the orders of the American Commander-in-Chief, whose power in such occupied territory is "supreme and absolute", according to the U. S. Rules of Land Warfare. "They had no choice"—General Homma stated at the time he was apprehended in Tokyo upon orders of General MacArthur. Homma, it will be remembered, was the Japanese Commander-in-Chief in the Philippines when these Filipino leaders were summoned to serve under the Japanese military administration.

Order No. 1 of the Japanese commander was a highly personalized command addressed to Mr. Vargas directing him to proceed with the organization of the Executive Commission, to be composed of six departments, to carry out all the orders to be issued by the Japanese forces. To insure compliance with such orders it was directed that each department should have a Japanese adviser and Japanese assistant advisers.

But for most of the Filipino officials who took part in the organization of the Council of State or were appointed to the Commission the coercive nature of the military orders or the fear for their personal safety if they disobeyed the same was not the prime consideration that influenced their attitude. They were actuated, perhaps in a greater measure, by two other more important motives. In the first place, it was their desire, which they had already unequivocally expressed, to work for the maintenance of peace and order and the promotion of the well-being and happiness of the people. If to maintain peace and order is the right and the duty of an army of occupation under international law, "for the benefit of the inhabitants of the occupied territory, in order that the ordinary pursuits and business of society may not be

"unnecessarily deranged," the refusal of the inhabitants to cooperate for that purpose could hardly have appeared reasonable and would have justified the Japanese occupation army in employing harsher measures against them.

In the second place, President Quezon, together with General MacArthur, had left last-minute instructions before their departure for Corregidor. There is a considerable amount of speculation as to what precisely were those instructions, but in *Collier's* of July 1, 1944, some light is thrown on the question by Royal Arch Gunnison, an American newspaperman who was in Manila when the Japanese entered the city on January 2, 1942. In his article Gunnison says:

"In effect, General MacArthur and President Quezon, who was also leaving for Corregidor, told Jorge Vargas and other Filipino leaders left behind: go ahead. Do the best you can. Make what bargains you have to with those people. Try to keep the Philippines (17,000,000 people) together in one piece. Try to protect the people from Japan's brutality and avarice. You have some tough decisions to make. But the job must be done. Do it for the future Philippines."

Do it for the future Philippines. The men who were left behind took those words at their face value and on numerous occasions thereafter found it necessary to abide by them even if in doing so they invited possible misunderstanding on the part of the United States. The instructions were repeated by President Quezon after his arrival in Australia, when he wired the provincial governor of Isabela, thru Col. Nakar, telling him to remain at his post to maintain peace and order and to protect the civilian population until the Japanese took over the government, and in case he should be asked by the Japanese to continue performing his functions, to use his discretion considering the best interests of the people. The same advice was given by President Roosevelt to General Wainwright, and by General MacArthur to General Sharp, on the question of surrender: "use your judgment".

Japanese control over Filipino life complete and absolute

IN the meantime the Japanese stranglehold over the political, economic and ideological life of the Philippines was becoming tighter every day. Tojo had announced that "Japan aimed to combine and coordinate the strength of the one billion peoples of East Asia and speedily convert all available resources within the co-prosperity sphere into fighting strength." To give impetus to this overall objective, the Greater East Asia Construction Research Council was created in Tokyo in February 1942, as a "brain trust charged with the duty of deliberating upon the ways and means of concretely realizing the establishment of a new order, namely, the defense of the entire East Asia, which implies the full utilization of the manpower and natural resources of each territory, and the development of the total economic power of the region."

In September 1942, the Research Council was supplanted by the newly-created Greater East Asia Ministry, in response to the expanded program for the exploitation of the conquered territories, including the Philippines. The basic policy behind the creation of this Ministry was "to bring to a successful end the Greater East Asia War and to insure success in the construction of Greater East Asia." Among the more specific matters assigned to this body were: the entire administrative work of governing the countries embraced within the sphere, matters pertaining to the settlement of these countries and the development of their natural resources, matters relative to the industrial enterprises established therein by Japanese companies, cultural indoctrination of the conquered peoples, and cooperation with the military forces on the spot. In the case of the Philippines the character and extent of Japanese control even after the establishment of the republic were indicated by the fact that the Japanese ambassador was under the Greater East Asia Minister, instead of under the Foreign Minister who handled foreign relations with really independent countries.

How were the policies laid down in Japan actually carried out in the Philippines? By a series of orders, proclamations, notifications, instructions, etc., the entire country was placed at the disposal and under the control of the Japanese army of occupation.

(a) *Economic control.*

The production of rice, which constituted the very life-blood of the nation, was drastically curtailed to give way to the production of cotton. What rice-producing regions were spared were allotted in great part to the exclusive use of the Japanese forces. Similarly sugar plantations were converted into cotton fields and what little sugar produce was allowed was manufactured into alcohol to supplement the dwindling fuel supply for Japanese cars, tanks and planes. The coconut and abaca industries were likewise placed under strict control and devoted almost entirely to the needs of the army. Mines and mining properties, whether of Americans or Filipinos, were taken over by Japanese mining companies and either operated by them or their equipment confiscated and employed for other industrial or military purposes.

In connection with the large scale development of industries and natural resources, it was the announced policy of Tokyo to carry it out through the numerous Japanese companies and organizations acting as agencies of the army. Thus Japanese corporations and control associations sprang up like mushrooms, in addition to those already in operation before the war. Everyone who remained in the Philippines during the dark days of the occupation is familiar with the grasping tentacles of the giant industrial octopus which Japan let loose in the country to suck the wealth of the land.

In the economic activities more intimately affecting the daily lives of the people, the control was no less rigid. Scarcely three days after the Japanese forces entered Manila, their commander-in-chief issued a notification advising all persons engaged in practically every kind of business to report to the army headquarters, with the warning that "life, property and interests of those not represented cannot be guaranteed." From then on, military ordinances, proclamations, orders, "explanations", instructions, "warnings", "notifications", etc., were issued one after another and brought everything under control—banks and bank deposits, corporations and corporate dividends, real estate, currency, transportation and communications, gasoline and other motor fuels, foodstuffs and other prime commodities, factories, machinery, insurance companies, shipping and fishing craft, etc., etc.

(b) *Thought control and training of youth for service in Japan's Army and Navy.*

In the ideological field, the methods of thought-control were even more reactionary and repressive, considering the fact that the Filipinos had been nurtured in an atmosphere in which every citizen was free to think and speak as he pleased and to worship God in his own

way. News publication was first banned and then placed under strict censorship. Rules were prescribed for resumption of publication and a warning was issued that violation thereof would be severely punished in accordance with military laws. As a consequence, all pre-war newspapers and publications, except those converted into army organs, disappeared altogether.

Early in 1942, the Japanese issued an order prescribing the basic principles of the new education. A proper understanding of the co-prosperity sphere and of the part of the Philippines in it was, of course, the keystone of those principles. Reliance upon the United States and ideas imbibed from the West were abjured. The Japanese language became a prescribed course, eventually to supplant English as the medium of school instruction. Textbooks were purged of all reference to America and Britain, and the words "freedom" and "democracy" were eliminated. Books in public and private libraries containing expressions of condemnation of war were ordered confiscated. The then Commissioner of Education forestalled this move by pointing out that imperial rescripts and Japanese statesmen's utterances, condemning war and glorifying peace, would have to be eliminated too. Radio sets were reconditioned to prevent the hearing of shortwave broadcasts from abroad. Even coeducation was prohibited.

Together with these repressive measures, the Japanese embarked upon a comprehensive program of propaganda calculated to renovate Philippine culture altogether. Corps of university and college professors came from Japan, almost at the same time as the spearhead of the invading army, with a ready list of well-known Filipino scholars and scientists, who were hastily summoned to the army headquarters and ordered to submit monographs and treatises on practically every phase of Philippine thought and culture. A research commission was organized under the military administration in which all of these Filipinos were called to membership, together with the group of Japanese who were to be their "mentors". In his speech at the inauguration of this commission, the Japanese Commander-in-Chief expressed the hope that it would serve to bring the Filipino and the Japanese scholars and scientists in closer cooperation and collaboration, and that they would "serve as one wing of the mighty edifice of the co-prosperity sphere that was being built."

At the same time, schools and institutes were established, wherein thousands of Filipinos were recruited and trained for eventual service to the Japanese cause. The prisoners of war were required to undergo, prior to their release, a period of training and indoctrination in an institute for former USAFFE men and to pledge loyalty to the imperial Japanese forces. There was a Constabulary training academy for active police service. There was a naval training school for prospective sailors in the imperial navy. Then there were the cultural institute at Tagaytay for young men who were curious enough to discover the secret of the much-touted Japanese way of life—the bushido; the GETI for the "rejuvenation" of government employees: the Japanese

language schools; and a host of other study courses for people in all walks of life. Young sons of prominent Filipinos were picked out and sent to Japan to study in the lay colleges there. To refuse this "magnanimous" offer would have been considered a hostile act and proof of anti-Japanese sentiments.

If the Filipinos, deep inside them, resisted the onslaughts of these propaganda forces and kept faith with their own loyalties, it was not because of half-heartedness in the Japanese efforts but because of their deep-rooted devotion to the cause of democracy and their unshaken belief that the Japanese way of life was far inferior to that which they had been taught and to which they had been accustomed, and that no matter how sweetly the Japanese chanted their refrain of co-prosperity, it was still the most obnoxious form of foreign domination to a freedom-loving people.

(c) *Religious regimentation and propaganda.*

The religious side of regimentation and propaganda was not neglected. Because the great majority of Filipinos are Catholics, a Japanese Catholic bishop, Mgr. Taguti, and Catholic nuns were brought to this country. A halo of martyrdom and saintliness was created around that Christian Japanese, Takayama Ukon, who came to the Philippines as a refugee long ago and spent the remainder of his life here. Catholics, Protestants, Jews, Mohammedans—all were called by the army headquarters and asked to make statements upholding the Japanese cause and pledging full cooperation to it. Typical of the pledges exacted was that of a certain American bishop of one of the Protestant churches, in which he promised "to conform and urge the members of my church to conform to all commands, orders and regulations issued by the imperial Japanese army high command, to place any of the mission buildings and equipment at its disposal." And on the first anniversary of the outbreak of the war, December 8, 1942, the Japanese surpassed themselves when they announced the papal brief proclaiming the Blessed Virgin of the Immaculate Conception patroness of the New Philippines, with the statement that "it bespeaks His Holiness' paternal thoughtfulness about the faith and welfare of the Filipinos and implies his sympathy with the justice of Japan's cause."

In the political field, the changes were as great as the shift from a self-governing democracy to a military dictatorship could make them. All vestiges of the Commonwealth Government had to disappear when the Japanese took over; and the organs of administration that were set up thereafter were according to the blueprint prepared in Tokyo. The Filipino official in the government never deceived himself: he knew he was a puppet, as Emperor Hirohito must know that he is also a puppet under General MacArthur, but he knew too that he had to be there as a buffer to cushion the shock of direct military rule and to prevent the reins of administration from falling into the hands of known Japophiles, whose lack of principle and real attachment to Japan were familiar to all the people.

It was not until after several months of occupation that a distinct political move was initiated, in preparation for the inevitable grant of independence. The "voluntary" dissolution of all political parties was ordered by the Japanese. In a radio program to which the heads of the different parties were summoned, they announced that they had agreed to "voluntarily" dissolve—the Nacionalistas, the Democratas, the Ganaps, the Popular Front, the Young Philippines, and even the venerable and innocuous veterans' organization under General Aguinaldo. After the formal approval of this dissolution by the military administration, it ordered the organization of the KALIBAPI, supposed to represent the people as a national service association—an exact counterpart of the National Service Association of Japan, the Concordia of Manchukuo, the Java Service Association (*Java Hoko Kwai*), the Hain Min Hui (New Peoples Society) of North China, and the Dobama (National Service Association) of Burma.

U. S. Congress takes notice

The extent of Japanese control over all phases of Philippine life did not pass unnoticed by the United States Congress, which, in a joint resolution approved June 29, 1944, declared:

Whereas the Japanese are now in possession and control of the *land, peoples, business, communication, and institutions* of the Commonwealth of the Philippines, and because of these circumstances the Filipino people are denied the free use and employment of the processes and political institutions jointly established by the Government of the United States and the Commonwealth of the Philippines for the transaction of private and public business and for the maintenance of liberty, law and order, and justice in the Philippine Islands.

Whereas by their possession and invasion the Japanese have attempted to frustrate the free processes to independence in the Philippines by substituting therefor their own puppet government which was conceived in intrigue, *born in coercion*, and reared primarily for the purpose of Japanese selfishness and aggrandizement and not to achieve the independence and freedom of the Filipino people.

**Japanese policy of coercion, self-deception and
make-believe, preparatory to unavoidable
independence—Growth of resistance
movement keeps pace—
Collaboration in words only**

THE stage was thus set for the fulfillment of Japan's oft-repeated promise of independence. As the months went by the Japanese government conveniently found "increasing" evidences of cooperation, no doubt as an excuse to accelerate the promised day. In reality, however, other than the perfunctory protestations of gratitude and the ironical paeans of praise for the "benevolence and magnanimity" of the "great empire," there were no such evidences of cooperation. The reaction of the people, from the leaders down, to the Japanese efforts was so lukewarm that the *Tribune* had to embark on an editorial campaign of cajolery, exhortation and threat in order to evoke more enthusiasm. Thus, just after the Preparatory Commission for Philippine Independence was organized, the *Tribune* editorialized: "Is it not our own freedom? Is not the long fight for independence waged by our forefathers for centuries to be climaxed by a magnificent victory this year, nay within a period counted in weeks? If we are not inspired, if we are not thrilled by the thought of independence so near at hand, then we are not the kind of Filipinos that produced Bonifacio and Rizal." In another editorial of the same paper: "Japan will offer brotherly assistance and guidance but it is up to the Filipinos themselves to shake free from lethargy and to plunge heart and soul into the tremendous task of building up the New Philippines." And just after the *manifesto* exacted by the Japanese military command from the Council of State appealing to the guerrillas to cease their activities, the *Tribune* deplored in another editorial: "Statements and manifestos are important... However, the primary factor, without which independence will never be ours, is positive and decisive action..... real all-out collaboration. *Collaboration repeated in words only means nothing.*"

The very men who held high positions in the Executive Commission came in for their share of the *Tribune's* editorial lamentation: "If we are to prepare for Philippine independence, we must catch the tempo of a more progressive, more assertive collaboration. By this we mean that the Philippine participation should not leave most or all of the initiative in establishing complete peace and order and in improving the material and spiritual conditions throughout the country to the military administration." The same tone was ever present in E. M.'s "Our Tomorrow" (a daily column in the *Tribune* purporting to be written by a Filipino, but in fact conducted by an American-educated Japanese newspaperman by the name of Emiru Masatomi), of which the following is a sample: "If our authorities know the conditions which they must tackle, why is it that more initiative is not taken on our part to translate Nippon's promise into fulfillment? If we really want independence, why be so passive about making the 'shortest possible time' really the shortest possible? Unless we do something quickly and thoroughly in eliminating obstructionists, there is a danger that those becoming tired of waiting would be not only us but Nippon."

All this campaign, however, might as well have been a cry in the wilderness for all the response that it evoked.

Popular subscription for the purchase of a fighter plane, a fiasco

The Japanese, to be sure, received perhaps more than a fair measure of vocal praises; so much indeed that one American in the United States was prompted to comment that their very extravagance might be interpreted as irony, and the Japanese army organ, the *Tribune*, called it editorially "noisy collaboration." But when it came to a call for concrete, tangible collaboration, the Filipino leaders played blind, deaf and dumb. An interesting instance of this was when, just after Tojo's visit in Manila where he reiterated the grant of Philippine independence in the shortest possible time, some practical joker sent ₱5.00 "mickey mouse" to the Manila Sinbunsya (*The Tribune*) with the bright suggestion that a campaign be launched among the Filipinos to contribute for the purchase of a fighter plane as a gift to the Japanese fighting forces. "It is," enthused the *Tribune*, "not the modesty of the gift which counts, but the spirit in which it is given and the moral effect of the giving." After one week of high pressure advertising, the contributions reached the "staggering" amount of ₱708.21, two-thirds of which was given by Japanese firms and the rest by Filipinos employed in those firms and in the Manila Sinbunsya itself. The odd centavo was evidently to emphasize the spirit of giving. It was known at the time that Kihara, supreme Japanese adviser of the Executive Commission, approached the Filipino officials with hints and veiled suggestions that they chip in their contributions to set an example to the rest of the people, but that none of them contributed. On the last day devoted to the campaign, the collection was from two persons—one Japanese giving ₱200.00 and one Filipino contributing

₱2.00. After that the affair fizzled out, but not, according to those who knew, before the Sinbunsya managers had been given a severe scolding by the military administration for such a face-losing brain-storm. It has never been known just how many American bombers were eventually downed by that fighter plane bought for ₱708.21—the Tribune surprisingly failed to report it.

Blood-stained months

Hand in hand, however, with their propaganda, the Japanese issued proclamation after proclamation giving stern warnings of severe penalties, usually death, to those caught and found guilty of non-cooperation. One of the very first of these proclamations provided that "showing hostility to the Japanese forces, or disturbing the minds of the officials and the people, or disturbing the financial and economic conditions at the time, would be punished with death." "Any person who rebels against the Japanese forces, who states false information or spreads wild rumors, who refuses to obey any orders of military necessity, or who commits acts other than those mentioned and against the interests of those forces," was subject to the same capital penalty. Injury to a Japanese soldier would be paid for by the lives of ten prominent persons in the vicinity unless the guilty party was found. The number of threats issued became, in time, a tiresome iteration. But to give point to them, the Japanese did not hesitate to publish, from time to time, lists of those who were executed because they failed to understand Japan's noble intentions. One day it was thirty or more Filipinos suspected of guerrilla activities; another day it would be a number of Chinese; and then again Filipinos; and so on through the blood-stained months. The lack of peace and order was such that the Japanese had to avail of prisoners of war, beginning with General Wainwright, to broadcast appeals to cease all "fruitless" resistance against the "invincible might" of Japan. Again and again the officers in the high command delivered speeches, accusing the Filipino officials themselves of non-cooperation and exhorting all the Filipinos to understand Japan's "noble motives". But withal, discontent and resistance grew apace.

Independence had to be given

Nevertheless, the Philippines simply had to be given her independence. It was so nominated in the bond of the co-prosperity sphere. The Japanese must liberate the country from American domination and proclaim its independence, if they had to kill every Filipino in doing it. So in spite of the continued loyalty of the people to the Americans and to the democratic way of life, Premier Tojo, in a speech before the Diet on January 28, 1943, affirmed that "substantial progress" was being made in the degree of cooperation by the Filipinos and in the restoration of internal peace and order, and formally an-

nounced that on condition that "further tangible evidences of cooperation" were actively demonstrated, Philippine independence would be given "in the shortest possible time." Again followed the usual flurry of propaganda and exhortations by Japanese officials in the Philippines. The situation of peace and order was as it had been, in fact worse, so much so that the *Tribune*, immediately after Tojo's speech, came out with the following editorial: "On the other hand, in the Philippines, it cannot be denied that disorders created by guerrilla groups turned bandits leave much to be desired in the way of a peaceful reconstruction and creative collaboration. There are, it must be admitted, fence straddlers who appear to be collaborating noisily but who are, in reality, retarding the speedy progress of reconstruction. Also, there are those who collaborate with better intention than understanding and who unwittingly defeat the very ends we all desire to achieve."

In Manila, where the squat shadow of the dreaded *kempei* darkened every houseyard, restaurant and street corner, life was bare existence and a problem of survival until the promised day of liberation. In the government, everybody kept tongue in cheek, from the highest officials—now dubbed collaborators—to the humblest clerks. Their philosophy was simple. Not every man, woman and child could go to the mountains and become a guerrillero. If the people were to be spared the rigors of direct military rule, there had to be a government by Filipinos, and such government could either be in their hands, or, assuming that they could refuse to serve, in the hands of known pro-Japanese elements like Ramos and Ricarte. Well, they chose the least of three evils, knowing that there was neither power, nor honor, nor peace of mind in the task they had to perform. In that work they were sustained only by the hope that it would not be forever; in fact that relief and liberation were on the way. In every government office, in every corridor and washroom, the latest bit of news from the San Francisco radio was whispered daily and made it less unbearable to pay lip-service to the conqueror, to carry his meatball flag in compulsory parades and demonstrations, to bow to the imperial palace, to pray for the Japanese war dead, and to accept the mockery of independence that was so officially offered. These government offices, under the very noses of the occupation forces, became in time veritable news agencies secretly disseminating much needed soul-warming information to the populace. In fact it was some of the members of the Executive Commission who furnished much of that news from their shortwave radio receivers, so much so that at one time the Japanese military administration wrote a strong letter to Chairman Vargas calling his attention to the information received by it to that effect and warning the Commissioners concerned.

Tojo's visit—Swift, breath-taking events leading to completion of the Philippines' "co-prosperity" structure after Tokyo's blueprint

IN May, 1945, Premier Tojo visited this country. Once again the old refrain was heard from him: "that the Filipinos should fully comprehend the true intentions of Japan and impress upon their minds the glory and responsibility of participation in the sacred war of liberation and devote themselves to the task of reconstruction, thereby to win for themselves the honor of independence in the shortest possible time."

In a mass meeting at the Luneta on May 6, he declared that he "*saw everywhere tangible evidences of the growing desire on the part of the Filipinos to cooperate with the Japanese government.*" The words he used had a familiar ring; indeed, there was method in the self-deception. As anticipated, Tojo then concluded that he "*was convinced more than ever of the propriety of early Philippine independence.*" Oddly enough, the day following that Luneta speech was declared Peace and Order Day to intensify the efforts to stop the growing spirit of resistance to the Japanese régime.

Upon Tojo's return to Japan, he again addressed the Diet and after restating Japan's immutable policy of freeing Greater East Asia and the various measures taken in perfect consistency with this fundamental policy, announced that the Philippines would be accorded the honor of independence in the course of that year. From then on events moved swiftly. Two days after Tojo's pronouncement, the Preparatory Commission for Philippine Independence was created upon orders of the Japanese Commander-in-Chief and charged with the preparation of the constitution. On July 17 of the same year, a military proclamation was issued relative to the punishment of persons carrying firearms and explosives without permit. On September 4, the constitution for the Republic was signed, and on September 7, it was ratified by a convention of KALIBAPI representatives. On September 20, the

delegates to the National Assembly were elected in the KALIBAPI way, and on September 25, the Assembly was inaugurated and it immediately proceeded to elect Jose P. Laurel President of the Republic. On September 29, the President-elect, with Chairman Vargas and Speaker Aquino, was called to Tokyo to be talked into signing a pact of alliance for all-out collaboration with Japan and into declaring war on the United States and Britain. On October 9, Syozo Murata, until then the supreme adviser to the Japanese Military Administration, was appointed Japanese Ambassador to the still unborn Republic of the Philippines. On October 12, Chairman Vargas issued his last order, upon instructions of the military authorities, governing the possession of firearms, including hand grenades and even bombs. (Peace and order indeed!) Two days afterwards, in the morning of October 14, independence was proclaimed and the Republic was inaugurated, and in the afternoon of the same day the "Japan-Philippine Pact of Alliance" was signed.

The Philippine "co-prosperity" structure, after Tokyo's blueprint, was completed.

Thus it may be seen that before the Pacific war started, an independent Philippines was already conceived in the minds of the Japanese leaders, many of whom were those who subsequently rushed its birth. For if there was to be a Greater East Asia Co-prosperity Sphere, and "common defense" and "full cooperation on the basis of equality and reciprocity" for all East Asia, there had to be an "independent" Philippines as well as an "independent" Burma. Obviously there could be no brotherhood, with Japan in the role of elder brother, unless it be among ostensibly "sovereign" members. Burma had been given her "independence" even earlier than the Philippines, so now they were added to the list made up of Manchukuo, Nanking China, Siam and French Indo-China. All this, as everybody knew, was pure propaganda, behind which Japan would continue exploiting these countries and literally bleeding their peoples dry. For there was nothing that, without the necessity of granting independence, the Japanese could not have exacted from the Filipinos as a conquered people, in the form of economic, political and military "cooperation." But they needed an independent Philippines for two main objectives: the completion of the co-prosperity sphere plan—a block of ostensibly independent states, and pacts of alliance, which could be had only with such "independent" states.

***The die is cast—The Republic is not
to be a Japanese tool but a
shield for the people***

Since the Filipinos must be "independent" whether they liked it or not, and since it was inevitable that they should have a "republic", because it was so decreed in Japan's timetable of conquest, the Filipino leaders, faced with such a *fait accompli*, decided to take the bull by

the horns, as it were, and make the most of that "independence" and that "republic" in order to preserve the nation and hold the people together, using the "republic" as a shield to protect the people against Japan's encroachments, "brutality and avarice," to outsmart the Japanese at their own game, and to make the "republic" real enough to backfire against the Japanese themselves. This grim determination was expressed by one of Mr. Laurel's ministers on the occasion of the cabinet members' induction into office in these words which, cryptic as they had to be under the circumstances, were comprehended by all in their full import:

"*For us the die is cast, and we must go forward, cost what it may, in order to defend against one and all the life and sovereignty of our republic, and the glory and majesty of our flag.* For this republic, as you (President Laurel) said on a certain occasion, shall be a *real republic* only if we Filipinos know how to live and die for it... If the desire for power has been, throughout the ages, vanity of vanities and miserable tinsel, *in these times* (under the Japanese régime of abuses and atrocities) *when the life of a man, whether humble or powerful, is worth no more than that of a barnyard fowl*, it would signify *in the wretch who harbored it, folly or madness*. We have responded to your invitation from the same motives that impelled you to accept the highest magistracy of the nation against the counsels of egoism: *the public service and the sincere desire to save the nation...* More than once you will perhaps feel your faith weaken and your will falter upon finding that *the trust you have reposed in high altruistic ideals* (Japan's avowed "magnanimity and benevolence"), *has been defrauded*, and the promises which have been made *in the name of a new morality in the law of nations* (Japan's much propagandized "moral justice" in international relations) *have not been fulfilled...*"

The Minister who thus spoke, close on the heels of the inauguration of the republic, did so in the name and on behalf of all his colleagues. It is very significant that in the course of his speech he did not make the slightest mention of Japan, nor did he have a single word of gratitude or praise for the "benevolence" and "magnanimity" of the "nation-leader" of East Asia, nor did he utter any unfriendly allusion to the United States, nor did he make the most cursory reference to the war going on between Japan and the Allied powers, even if the Japan-Philippine pact of alliance had been signed only five days before. Least of all did he touch upon any promise or offer of aid and collaboration. On the contrary, the speech was full of forebodings and premonitions and subtly replete with mortifying allusions to the falsity and hypocrisy of the Japanese. And on top of all this, in the afternoon of the same day, he broadcast over station PIAM and gave a press statement, saying among other things, that "...it should be made clear that we Filipinos owe no allegiance to any foreign power; that the government of this Republic is a government by the Filipinos and for the Filipinos alone: that we are not at war with any nation..."

and that the Republic will earnestly and indefatigably seek to uphold the honor and liberties of the people with goodwill toward all who respect our sovereignty and national integrity..."

It will thus be seen that the republic instead of becoming a tool of the Japanese, as they intended, became a weapon against them, as the Filipino leaders had in mind. And yet, ironically enough, it is this same republic that is now being flaunted in the faces of these leaders as evidence of their alleged collaboration.

A pact of alliance and declaration of war on the Allied Powers, Japan's ultimate objective

The Japanese co-prosperity sphere propaganda screened an ulterior and altogether sinister aspect. Without the pretense of giving independence to the conquered territories, Japan could, as she had been doing, exact from them the last ounce of political, economic, and military tribute. But she wanted something more—something which she knew she could not legally demand from a nation vanquished in war unless that nation was first given a sovereign status, even if in name only. This was a pact of military alliance and a declaration of war on the Allied powers—the ultimate in propaganda value, even if without practical effect from the military point of view.

The keynote of Japanese policy in this respect was struck by Matsushita, professor in Rikkyo University, in an article he wrote in January, 1943. *The principle of joint defense, he said, must be the leitmotif of an international law for the Greater East Asia Co-prosperity Sphere.* In regard to the question of military collaboration, he added, there seem to be two different views: one is that the non-involved countries of a sphere must automatically enter into hostilities with the aggressor and the other is that they must only extend all possible assistance to the involved country without resorting to war against the aggressor. But, according to him, the intrinsic policy underlying the project of a greater East Asia endorses the first view; so *an international law for this region must include in its scope the authority to utilize the natural and manpower resources obtainable there.* The same view was expressed as far back as 1940 when Iwao F. Ayusawa, in another article, wrote that one of the steps to be taken in organizing the new regional system was that *defense should be collectively organized and placed under the control of the regional authority, in this case Japan.*

Local straws in the wind were the *Tribune* editorials constantly harping, long before independence, on one single theme—that the Philippines must enter the war on the side of Japan. In November 1942, that paper sounded an editorial call that "the Filipinos must toil," that "*they must fight,*" that "*they must be prepared even to die,* like the Japanese warrior who smilingly offers his very life on the battlefield for the sake of the Emperor." Another editorial reiterated that "the

Filipinos must once again affirm their readiness to collaborate with Japan in fighting the war to a glorious finish," and still another, that "they have yearned for independence so long that there is danger of over-glorifying the freedom aspect of independence without mental preparedness to meet all responsibilities and obligations incident to independence," and that "they must not fool themselves by entertaining the idea that independence was going to free them from the war," because "such wishful thinking is cowardly." It was a theme that was sustained throughout but it evoked not one concrete response from the Filipinos.

All the propaganda build-up about the co-prosperity sphere, all the talk about the war being a sacred war of liberation, the grant of independence itself and the establishment of the republic, were calculated to high-pressure the Philippines into signing a treaty of alliance with Japan and, immediately, into declaring war upon the United States and Britain. It was an objective that from the very beginning was foreseen and could not conceivably be forestalled or evaded.

The Tribune editorial of June 10, 1945, the very day Tojo stated before the Diet that Japan would grant independence to the Philippines in the course of that year, shows quite conclusively that the grant of sovereign status to the Philippines was only a means to have the Philippines, through a pact of alliance and a declaration of war, align herself with Japan and the other countries of East Asia for the prosecution of the war. The said editorial, entitled "Privilege and Responsibility," reads:

What is the position of the Philippines in this Asian Sphere?
Let us consider what are the obligations and the responsibilities
of the Filipino people within this sphere *for every privilege has*
its concurrent responsibility. We must admit that co-prosperity
can be achieved only through a co-existence based on the willingness
to live or die together, sharing every fate together with the
other peoples of the sphere. Only on this basis could we—or any
other race—hope to share the privilege of co-prosperity.

In other words, the peoples of the sphere are governed by a common destiny. *They rise or fall together,* and in this there is unity and strength.

Some may be dreaming of independence of a "gift independence" variety, freedom which when attained would release the Philippines from further obligation. But such a viewpoint goes counter to the conscience of the true Asian Filipino.

The war against Anglo-Saxon world tyranny must continue until it is wiped off the earth and there will be no let up in the stringency of wartime living and in the need of fortitude and determination until the final victory is attained.

We must never forget that the Philippines is part and parcel of the Co-Prosperity Sphere, *that we can claim no exemptions,* and *that we must be ready to live or die with Nippon and other*

brother nations of Greater East Asia. Only with this determined nation can we ever achieve freedom or merit it.

On the very day (August 1, 1943) Burma was granted independence by Japan, she signed a pact of offensive alliance with that country and declared war against Britain and the United States. In all honesty, it must be said for Mr. Laurel, who as president was the constitutional authority to conclude the Japan-Philippine Pact of Alliance, that its terms concerning military collaboration were merely of a defensive nature, to become operative only in case of violation by a third party of the independence and territorial integrity of the Philippines; and that when the occasion contemplated by Japan came and the republic was forced to declare the existence of a state of war, Mr. Laurel declared in the same breath that there would be no conscription of even a single Filipino into the Japanese armed forces.

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The Pact of Alliance in the light of Japan's Far Eastern Policy before and after Pearl Harbor

THE pact of alliance and its genesis are perhaps beyond the comprehension of many of the postliberation critics, who see it not as a striking illustration of Japanese coercion but as a voluntary and machiavelian design on the part of the so-called collaborators to align themselves and the country unreservedly with Japan. A glance at the history of Japanese Far Eastern policy in the years immediately preceding the war and in the course of it will show the obvious error and unfairness of this view, for no nation that ever came under the sway of Japan had been able to resist her coercive demands or to avoid the conclusion of pacts of alliance and almost invariably joint military operations with her.

(a) Japan and Korea

First to come under Japanese control was Korea. The encroachment upon the latter's independence and sovereignty was as insidious as, in the end, it was complete. In 1804, at the beginning of the Sino-Japanese war, Japan entered into a treaty of alliance with Korea, the object of which was "to maintain the independence of Korea on a firm footing." This was affirmed in a Japanese-Russian agreement in 1898, in which those two governments "recognized definitely the sovereignty and entire independence of Korea and pledged themselves mutually to abstain from all direct interference in the internal affairs of that country." In the Anglo-Japanese alliance of 1902, Japan reiterated her solicitude for Korea, avowing the same attitude for China, and declared herself mutually with Britain to be "entirely uninfluenced by any aggressive tendencies in either country." In 1904 Japan declared war against Russia, and in the imperial rescript issued for that purpose it was solemnly announced that "the integrity of Korea is a matter of gravest concern to this Empire, . . . and that the separate existence of Korea is essential to the safety of our realm." That was

on February 10. Thirteen days later, or on February 25, the Japanese octopus was reaching out its first sinister tentacle in the form of a protocol between Japan and Korea. It was there provided—very innocently—that the imperial government of Japan definitely guaranteed the independence and territorial integrity of the Korean empire; and almost as innocently, that the imperial government of Japan shall, in a spirit of friendship, insure the safety and repose of the imperial house of Korea. But in the same protocol, it was also provided that “for the purpose of maintaining a permanent and solid friendship between Japan and Korea and firmly establishing peace in the Far East, the Imperial Government of Korea shall place full confidence in the Imperial Government of Japan, and adopt the advice of the latter in regard to improvements in administration.” The first beachhead was thus established, and it remained for “friendly” Japan to exploit it and expand her control. This she lost no time in doing, for the very next year, 1905, in the treaty renewing the Anglo-Japanese Alliance, Great Britain recognized Japan’s paramount political, military and economic interests in Korea, and her right to take such measures as she may deem proper, provided that such measures were not contrary to the principle of equal opportunities for the commerce and industry of all nations. The same rights were recognized by Russia in the treaty of Portsmouth in 1905, ending the Russo-Japanese war. The two third-power stumbling blocks having thus been eliminated, one by amicable treaty and the other by war, Japan began to show her strong hand vis-a-vis Korea. Two months after the treaty of Portsmouth, in November 1905, Japan and Korea entered into a convention providing, “for the purpose of strengthening the solidarity between the two empires,” that “the government of Japan will hereafter have control and direction of the external relations and affairs of Korea.” Accordingly, in 1906 Marquis Ito was made Japanese resident-general in Korea. In 1907 Japan prevented the representatives of the Korean Emperor from being given a hearing at the Hague Conference. In July of that year the Japanese control was further extended by another convention in which the governments of the two countries, “desiring speedily to promote the wealth and strength of Korea and with the object of promoting the prosperity of the Korean nation,” agreed: In all matters relating to the reform of the Korean administration the Korean government shall receive instructions and guidance from the Japanese resident-general; in all appointments and removals of high officials the Korean government must obtain the consent of the resident-general; the Korean government shall appoint to be officials of Korea any Japanese subjects recommended by the resident-general; and the Korean government shall not appoint any foreigners to be officials of Korea without consulting the resident-general.

Korea thus had become the merest colony of Japan, this with apparent consent and avowedly for the benefit of Korea. In 1908 Prince Ito declared publicly that *it was no part of Japan’s purpose to annex Korea*. In 1909 the same Prince Ito declared that Korea

must be "amalgamated" with Japan. So on August 22, 1910, a treaty was signed between the two countries, in which "His Majesty the Emperor of Korea makes complete and permanent cession to His Majesty the Emperor of Japan of all rights of sovereignty over the whole of Korea, and His Majesty the Emperor of Japan accepts the cession and consents to the complete annexation of Korea to the Empire of Japan." On August 29, 1910 Japan formally declared Korea annexed to the dominions of His Majesty the Japanese Emperor.

It can be said that in all history there has never been a greater collaborator with Japan than the Emperor of Korea, for having, without being under military occupation by a conqueror, agreed to the total extinction of his country's sovereign status. And yet, what the Korean Emperor did was what any other ruler of any other country who had to meet the enemy on the enemy's terms would do under the circumstances, not because of fear for personal safety, but to spare the country and the people the wrath of a merciless overlord.

Situations there are in the life of nations where their rulers and leaders have no recourse except to play possum and bide their time. It is in one such situation that Hirohito, MacArthur's great collaborator, now finds himself. He has acquiesced in MacArthur's order not to report further to his honorable ancestors, and has even disclaimed his centuries-old "divinity." He shall certainly comply with whatever directives it may please MacArthur to issue in the future.

(b) Japan and China

The group of treaties and exchanges of notes between Japan and China in 1915, in which China accepted practically all of the famous Twenty-One Demands, constituted the next glaring example of Japanese Far Eastern diplomacy. Those demands, according to an American author, were a smothering blanket of exclusive political and economic privileges which Japan tried to cast over China and which, had she been entirely successful, would have reduced the celestial empire to a state of vassalage. As originally presented, the demands were arranged in five groups. Group one called for China's full assent to whatever disposition of the German rights in Shantung Japan should make at the end of the first world war; for a Chinese promise not to cede or lease any portion of Shantung to any third power; and for the granting to Japan of widespread railway and commercial privileges throughout the province. Group two perpetuated and strongly consolidated Japan's special position in Manchuria and Eastern Inner Mongolia, and evoked China's acquiescence therein. Group three demanded exclusive mining and industrial privileges in the Yangtse Valley, including joint Sino-Japanese ownership of the rich iron and steel mills, smelters, colliers and mineral deposits around Hankow, the industrial capital of China. Group four pledged China not to cede or lease to any power any harbor or bay or any island along the Chinese coast, a demand calculated to obtain international recognition of the maritime province of Fukien (opposite Formosa) as a Japanese sphere of interest. Group five asked for widespread political

rights throughout China proper which, if granted, would have given the Japanese government supervisory control over Chinese social and political institutions from schools and churches to the Chinese government itself. If these demands were not accepted by China in their totality, it was not because of her tenacious opposition, for she lacked the strength to make that opposition effective, but because of the objections of the United States and Great Britain. As it was, however, China had to give extensive concessions, which "at one fell swoop brought Japan to a commanding position in China in which she might never have been able to buy her way in competition with Europe."

(c) *Japan, Manchukuo and Nanking China*

In 1932 the puppet state of Manchukuo came into existence, as the upshot of the Manchuria incident of 1931 and the first phase of Japan's China adventure. Since there was no necessity of a treaty of alliance, Japan signed with Manchukuo on September 14, 1932, a protocol in which the former recognized the new state while making it, in fact, a colony. As Professor Steiner wrote in 1940: "Manchukuo came to life in 1932.... Since that time, Japan has steadily adhered to the fiction of independence of Manchukuo, but there is not the slightest phase of Manchurian life—political, economic, military, diplomatic, social, or cultural—that is not controlled by the Kwantung Army, and thus made subservient to the policies of the prevailing military clique in Japan."

The second phase of the China adventure began in 1937 and resulted in the establishment of the puppet national government of Wang Ching-wei in Nanking. Having thus sponsored, as a consequence of military conquest, an ostensibly independent republic in China, Japan had Wang Ching-wei elected as its president on November 28, 1940, and two days later had it enter into a treaty concerning the basic relations between them. That treaty opened with the ominous clause concerning mutual respect for sovereignty and territories, also present in the different treaties with Korea prior to her annexation to Japan, which was later to recur with characteristic repetitiousness in the subsequent treaties that Japan entered into with other conquered but supposedly independent countries like the Philippines. The treaty with the Nanking government embodied for the first time the principle of joint defense, then already an integral part of the co-prosperity sphere idea. The rest of the provisions contained a long recital of the "concessions"—political, economic and military—which Japan had exacted from China. China agreed to the stationing of Japanese military forces and naval units within her territory, and promised to afford positive and full facilities to Japan and Japanese subjects for the development and utilization of her natural resources. The rehabilitation and development of Chinese industries, finance, transportation and communication were provided for, with the assistance and co-operation of Japan; and China agreed to open her territory for domicile and business of Japanese subjects. On the same day that treaty was signed, the governments of Japan, China and Manchukuo issued a

joint declaration in which they again pledged mutual respect for sovereignty and territories, and agreed to bring about general cooperation on a reciprocal basis, especially a good-neighbor friendship, common defense and economic cooperation. Nanking China declared war on the United States and Britain on January 9, 1943.

(d) *Japan and French Indo-China*

Vis-a-vis French Indo-China and Siam, Japan's "close relations of friendship" began in 1940. As reported in an official Japanese account, the advance of the Japanese forces to French Indo-China in September 1940 was an epoch-making event in connection with the stabilization of Japan's policy toward the South Seas region, and a great stride toward the construction of the greater East Asia Co-prosperity Sphere, for close on the heels of the advancing forces the mediation of the Siam-French Indo-China border incident was consummated. How that mediation was accomplished and at what cost to the disputants has already been mentioned in an earlier part of this account. When asked afterwards in Washington whether accepting Japanese mediation was not equivalent to letting a fox arbitrate between two rabbits in a cabbage patch, the Siamese Minister reportedly replied: "What would you do if you were a rabbit?"

Japan having thus acquired hegemony in French Indo-China and Japanese troops being in actual military occupation there, the inevitable treaty was in order. On July 29, 1941, therefore, a protocol was signed in which, after the usual protestations of respect for sovereignty and territorial integrity, the French and Japanese governments mutually promised military cooperation for the joint defense of French Indo-China. It may be stated that France, who entered into the treaty, had been a world power, with her head bowed momentarily in defeat. A masterpiece of irony was the statement of the Japanese government in connection with the treaty, that Japan intended to observe strictly her obligations arising from the various existing arrangements between Japan and France, especially the solemn promises respecting the territorial integrity and sovereignty of French Indo-China, and at the same time to endeavor for the promotion of the amicable relations subsisting between Japan and France, thereby realizing the common prosperity of the two countries. It would perhaps be superfluous to ask if Japan would have been so solicitous of the defense of French Indo-China had France been strong enough to take care of it herself. The aftermath of the treaty was in the nature of an anti-climax, when it was announced by the Japanese Imperial headquarters on December 12, 1941 that a military agreement had been concluded between Japan and French Indo-China at 8:30 p. m., December 8, the date of Pearl Harbor, based on the common defense agreement of the preceding July.

(e) *Japan and Siam*

Siam, the other disputant in the border incident of 1940, fared no better at the hands of Japan. After the outbreak of the war, Japan

secured the right of passage for her troops through Siamese territory. With those troops in occupation, a pact of alliance was entered into between the two countries on December 21, 1941, again on the basis of mutual respect for their independence and sovereignty. It was not, however, a defensive treaty, but provided that in case either of the parties found herself in an armed conflict against one or more third powers, Siam or Japan shall immediately range herself on the side of the other ally and shall aid the latter with all political, economic and military means. Thus automatically Siam was at war with the Allied nations, although her formal declaration to the effect was not made until the following January 25.

(f) *Japan and Burma*

Regarding Burma Premier Tojo in his speech before the Diet on January 21, 1942, announced that the Japanese policy was the same as that relating to the Philippines. Thereafter the two countries were always mentioned side by side whenever Japan reiterated to them her promise of independence. On May 5, 1943, the Burmese preparatory commission for independence was organized. On the following August 1, independence was proclaimed and a treaty of offensive and defensive alliance was signed between Japan and Burma, in which they mutually pledged their cooperation—military, political and economic—for the successful prosecution of the war. On the same day, Burma declared war against the United States and Great Britain.

**Philippine-Japan Pact of Alliance after
Axis pattern—also an imposed “made-
in-Tokyo” treaty. It was a link in the
chain of Japan-dictated treaties or
pacts of alliance in East Asia**

ONE by one, with that relentless consistency referred to by Premier Tojo in the beginning of the war, the countries of East Asia found themselves chained to Japan by treaties of alliance. It is in the light of these historical facts that the position of the Philippines must be considered.

Shortly before the inauguration of the republic Mr. Laurel, Mr. Aquino and Mr. Vargas were called to Tokyo, presumably to be "persuaded" into signing an offensive and defensive treaty of alliance with Japan and declaring war against the United States and Great Britain, just as Burma did on the day of the proclamation of its independence. Mr. Laurel was able to evade not only a declaration of war on the United States and Britain but also any commitment for all-out military cooperation such as had been exacted from Burma, but it was inevitable that some treaty must be signed. They returned on October 6. Six days later, that is, on October 12, Mr. Murata, who had been appointed Ambassador to the Philippines before the inauguration of the republic, arrived from Japan with his whole staff, bringing with him the formal text of the pact which, without a single modification, was signed by Mr. Murata and President Laurel's representative on October 14, the same day the republic was inaugurated. There had been no previous negotiation, no opportunity for give and take, no compromise. There could not have been any, because nobody had been authorized or appointed on the Filipino side to carry out such negotiation, and the Japanese were not in the habit of "negotiating" with the conquered or dominated countries of East Asia.

The well-known Axis method of "persuasion" in dealing with weak peoples

The Japanese, well-known for their lack of imagination and of inventiveness, yet famed for their ability to imitate, merely copied their nazi axis partner's methods of approach and "persuasion" in their dealings with weak and helpless neighbors, from the signing of treaties, pacts, agreements and other instruments, formation of labor service organizations, Gestapo-Kempeitai overall control, to the dissolution of regular political parties and the establishment of semi-fascist national associations of the KALIBAPI type.

At Munich, on September 29, 1938, Chamberlain and Daladier were terrorized by Hitler into giving away Sudetenland to him without even consulting the Czechs. The accord was signed on September 30, and on the same day *the assent of the Czech government was given "as the only alternative to a desperate and hopeless defense."* But that was only the beginning. After its dismemberment, Czechoslovakia had still to appease the Fuehrer "by bringing its general public and economic policies into conformity with German policy. President Benes, Hitler's *bete noire*, quickly resigned and after an interval a non-entity, Emil Hacha, was elected to take his place. A labor service on the Nazi model was formed; the Communist party was dissolved, the regular party organizations were merged into a semi-fascist National Union; freedom of press and assembly was restricted; and no obstacle was placed in the way of the Gestapo as it quickly descended into the Moldau Valley." Under Hitler's pressure, Slovakia and Ukraine were given autonomy by the Czech parliament. But local autonomy was not enough for the nazi-puppet politicians of Slovakia and Ruthenia. Nazi-inspired separatist movements started. The Czech government in Prague took police action against the Slovakian separatists and here is what happened both to the Czechs and the Slovenes, according to Professor Steiner:

"Hitler thereupon summoned President Hacha to Berlin where he arrived in the evening of March 14. After a session with Hitler that lasted until 4 a. m. on March 15—reminiscent of the Berchtesgaden session of Hitler with Schuschnigg in February, 1938—President Hacha signed an instrument begging Hitler to be so gracious as to take Bohemia and Moravia under his 'protection.' The gracious Fuehrer acceded; the German troops which had already been ordered to march appeared in Prague within two hours; Hitler himself followed shortly thereafter and, on March 16, a formal proclamation was issued for the government of the protectorate of Bohemia-Moravia. Certain forms of autonomous government were left to President Hacha and his cabinet in Prague, but the proclamation made it clear that the 'head' of the protectorate must enjoy the confidence of the German Fuehrer and that *the administration of the protectorate must proceed in conformity with the 'political, military and economic requirements of the German Reich.'* German troops took charge of the police; the German government as-

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sumed control of the foreign relations of Bohemia and Moravia; and Baron von Neurath appeared in Prague as the first 'Reich-Protector.' For legal and political purposes, Bohemia and Moravia became integral parts of the territory of the German Reich, even though they retained the external appearance of autonomous areas.

"On March 15, while German troops were marching through Prague, Father Tiso requested Herr Hitler to take Slovakia under his protection. Instead of absorbing Slovakia into Germany, a *German-Slovakian treaty of protectorate was signed on March 25, 1939*. Under this arrangement, Slovakia enjoyed the status of a separate estate—and has been so recognized by a number of European countries—but agreed to the maintenance of German garrisons and the conduct of Slovakian foreign affairs through Berlin. The German government agreed to 'protect' the territorial integrity of Slovakia—but when Hungarian troops invaded the eastern frontier of Slovakia on the same day that the treaty was signed, Germany took no action and the Hungarians were permitted to take a portion of Slovakia's territory under a convention of March 31. For practical purposes, Slovakia must be regarded as part of political Germany, even though Slovakia's relation to Germany differs from that of Bohemia-Moravia. In August, 1939, German troops consolidated their position in Slovakia before moving into Poland."

The text of the so-called Japan-Philippine Pact of Alliance was drawn in Tokyo and brought here already in its final form, and follows the general pattern of treaties exacted by Japan from the countries of East Asia with such stipulations as those providing for mutual respect for independence and territorial integrity and political, economic, and military cooperation. It is true that the pact was merely defensive in character, that the clause concerning military collaboration was conditional, and as a consequence, a declaration of war against the allied countries was averted, unlike the cases of Nanking China, Siam, French Indo-China and Burma; but this important difference must have resulted from the information given by Mr. Laurel to the Japanese government that an offensive alliance with Japan would mean outright declaration of war against America, which, because it would imply at that time military conscription of Filipinos, might precipitate chaos and revolution here, and that it would be immoral in the eyes of the world, and in their own eyes, for the Filipinos to fight against the Americans after they had been fighting side by side against the Japanese.

Once Japan had decided to impose on the Philippines a treaty of alliance, the rest was a matter of course. The same coercive persuasion that Japan employed in having General Wainwright broadcast an appeal to his forces to cease all "fruitless resistance," and having many of his captured officers and men sing their praises of the "invincible might" and the "magnanimity" of the Japanese troops against whom they had been fighting, proved equally effective in the political situa-

tion. Of course force had to be tempered by make-believe, and the threats made by the Japanese to inspire fear were invariably accompanied by protestations of noble motives.

“Independence” and “pacts of alliance” an absolute necessity in the “international law” for Greater East Asia

To what extent it was inevitable for Burma, the Philippines, Indo-China, Siam, and other Asiatic countries which, in the course of the Pacific war, found themselves at the mercy of Japan's military might, to sign pacts of alliance pledging all-out collaboration with her, and to declare war on the Allied Powers, may be seen further from Foreign Minister Sigemitsu's radio broadcast in August, 1943, when the constitution for the republic of the Philippines was being prepared, and from the statement made in the same year by Professor Matsushita, then a spokesman for the Tokyo Foreign Office, in an article entitled "Greater East Asia International Law." Foreign Minister Sigemitsu said in his address that the two prerequisites for membership in the co-prosperity sphere were: "... first, attainment of sovereignty and independence through liberation; and secondly, establishment of concord and cooperation (in other words, conclusion of pacts of alliance) on the basis of equality and reciprocity." And Professor Matsushita in his article wrote as follows:

"... The Japan-Manchoukuo protocol, the Sino-Japanese Basic Treaty and the Japan-Thai offensive and defensive alliance stipulate joint defence to preserve the combined integrity and the individual integrity of each of the high contracting parties. The Wang administration of China has now declared war on the United States and Britain to protect the integrity of the continent as an important unit of greater East Asia.

"The International law as practised by the 'democratic' nations has merely enabled them to form a superficial union among themselves to procure individual profits. This is the reason why if some of them become involved in war, other allies have the option to remain neutral. There does not exist any provision for joint action or joint defence in their order, which is, indeed, a serious flaw. In order to preclude the possibility of such a non-collaboration, the principle of joint defence must be enforced to coordinate the defence activities of each nation of greater East Asia, thereby solidifying the life and living of the sphere itself.

"In case a country included in greater East Asia is attacked by or involved in hostilities with another country outside the sphere, all the remaining countries of the sphere, accepting such hostilities or attack as a direct menace to the safety of greater East Asia, must collaborate militarily with the attacked or involved partner with a view to restoring normalcy. x x x"

It was in line with these pronouncements that the army organ (*The Tribune*) in an editorial written months before the proclamation of independence said that the Filipinos "must not fool themselves with the idea that independence was going to free them from the war."

It would be wrong, however, to say that the actuations of Mr. Laurel and the other Filipino leaders, in submitting to Japan's imposition in the matter of independence, pact of alliance, declaration of war, etc., were motivated merely by considerations of personal safety. The coercion employed was not directly against them as individuals but collectively on the country as a whole, the coercion implied in and attendant to any military occupation, and, in a higher degree, in the case of a ruthless one like that of the Japanese army, under which all the occupied areas of the Philippines were turned into a "huge concentration camp." The refusal of these leaders to do the Japanese bidding certainly would not have deterred the Japanese from achieving their ends, while entailing more disastrous consequences for the people.

Pact of alliance immediately nullified and overruled by Tojo's pronouncements and by the "Joint Declaration of the Assembly of East Asiatic Nations"

At any rate the pact was short-lived. It was signed on October 14. The exchange of ratifications was completed on October 20. And barely two weeks after, it was entirely nullified and overruled by the Congress of East Asiatic Nations convened in Tokyo on November 6. The "Joint Declaration" which this Congress adopted had the effect of changing the defensive character of the alliance into an offensive one and of considering the Philippines actually at war with the United States and Britain before any declaration to that effect was ever made by her government. The "Joint Declaration of East Asiatic Nations" reads as follows:

"It is the basic principle for the establishment of world peace that the nations of the world have each its proper place and enjoy prosperity in common through mutual aid and assistance.

"The United States of America and the British Empire have, in seeking their own prosperity, oppressed other nations and peoples. Especially in East Asia, they indulged in insatiable aggression and exploitation, sought to satisfy their inordinate ambition of enslaving the entire region, and finally they came to menace seriously the stability of East Asia. Herein lies the cause of the present war.

"The countries of Greater East Asia, with a view to contributing to the cause of world peace, undertake to cooperate toward prosecuting the War of Greater East Asia to a successful conclusion, liberating their region from the yoke of British-American domination, assuring their self-existence and self-defense and constructing a Greater East Asia in accordance with the following principles:

"1. The countries of Greater East Asia, through mutual co-operation, will ensure the stability of their region and construct an order of common prosperity and well-being based on justice.

"2. The countries of Greater East Asia will ensure the fraternity of the nations in their region by respecting one another's sovereignty and independence and practicing mutual assistance and amity.

"3. The countries of Greater East Asia, by respecting one another's traditions and developing the creative faculties of each race, will enhance the culture and civilization of Greater East Asia.

"4. The countries of Greater East Asia will endeavor to accelerate their economic development through close cooperation upon a basis of reciprocity and to promote thereby the general prosperity of their region.

"5. The countries of Greater East Asia will cultivate friendly relations with all the countries of the world and work for the abolition of racial discrimination, the promotion of cultural intercourse and the opening of the resources throughout the world and contribute thereby to the progress of mankind."

On the occasion of the adoption of this "Joint Declaration" Premier Tojo spoke thus:

"It is my belief that for all the peoples of Greater East Asia, the present war is a decisive struggle upon whose outcome depends their rise and fall. It is only by winning through this war that they may ensure forever their existence in their Greater East Asian home and enjoy common prosperity and happiness. x x x I firmly believe that the other Greater East Asia nations whom you represent here are also grimly resolved to shatter the counter-offensives of their age-old enemies, America and Britain, by throwing their full weight into the field in concert with the Japanese nation and thereby secure lasting stability for Greater East Asia. x x x Today, the unity of the countries and peoples of Greater East Asia has been achieved, and they have embarked upon the gigantic enterprise of constructing a Greater East Asia for the common prosperity of all nations. This surely must be regarded as the grandest spectacle of human effort in modern times."

At the public rally held in Tokyo the day following the adoption of the "Joint Declaration", Tojo announced that "*the current war is not only Japan's war but is the war of all nations in this region.*"

In the said public rally, a resolution of the following tenor was approved, after it was proposed by Tojo himself:

"Whereas, the various states and races of Greater East Asia are already emancipated from the centuries-long cruelty and oppression of the Anglo-Americans, with the respective races at-

taining their proper places according to the lofty Oriental morality, and are exerting their utmost in the sublime work of constructing Greater East Asia; x x x

"Whereas, our common enemy, Britain and the United States, are repeating their persistent counter-attacks for the wanton purpose of wresting Greater East Asia again from the peoples of Greater East Asia;

"Let it be hereby resolved that the entire Greater East Asia should unite in the full realization of its common mission, call forth its total fighting strength for the complete attainment of the objectives of the Greater East Asia War as well as unshakable conviction in victory, and prevent Britain and the United States from encroaching and dominating East Asia and thus cooperate in the establishment of a new World Order."

Even the resolution adopted by the East Asia Press Conference, which was held immediately after the East Asiatic nations assembly, virtually placed the Philippines in a state of war with the United States and Great Britain, a year before Mr. Laurel proclaimed its existence. The East Asia Press Conference resolution reads as follows:

"We hereby declare as follows: That we, the representatives of newspapers and fellow newspapermen of Greater East Asia have assembled to discuss the mission of newspapers for contributing to the successful prosecution of the War of Greater East Asia and the construction of the Greater East Asia Co-Prosperity Sphere. x x x

"Recently the leaders of the various nations of Greater East Asia met in Tokyo and issued to the world a Joint Declaration embodying the following five basic principles: mutual cooperation, independence and amity, enhancement of their cultures and civilizations, promotion of economic prosperity, and contribution to the progress of mankind. These basic principles may be called the essence of the Greater East Asiatic spirit and this declaration is worthy of becoming the Magna Charta for the establishment of permanent world peace.

"It is, indeed, our responsibility as newspapermen to bear part of the task of putting this Magna Charta into practice, enlarging it and causing it to thoroughly permeate through the blood of the 1,000,000,000 peoples of Greater East Asia.

"We who stand as vanguard of the ideological warfare by virtue of our profession, do hereby resolve to devote ourselves to the great mission of developing world peace by smashing Anglo-American trickery and intrigue through mutual collaboration and wholehearted endeavor among ourselves."

With the foregoing declarations and pronouncements, the Japan-Philippine Pact of Alliance became, if it was not so already, a worthless, meaningless, superfluous scrap of paper, and the declaration of a

state of war by the Republic of the Philippines, made a year after, completely unnecessary. Even without the pact of alliance of Oct. 14, 1945, therefore, or the proclamation of a state of war, on September 22, 1944, the Philippines was made by Japan her ally for offensive and defensive purposes, and forced into a state of war with the United States and Britain since November 6, 1945, by virtue of the "Joint Declaration of the Assembly of East Asiatic Nations".

Pact of alliance tainted with bad faith on both sides, like the Legazpi-Soliman blood-compact and the Pact of Biak-na-bato

Aside from the considerations already set forth concerning the pact of alliance, it should also be stated that the pact was from the very beginning tainted with bad faith on both sides. While providing for mutual respect for sovereignty and territorial integrity, the Japanese knew that the republic was not sovereign and never intended to accord respect to it. The Filipino officials, on their part, knew that fact too, and reciprocated Japan's bad faith by never really intending to live up to the terms of the pact but rather to nullify it in every possible way. All these things were no secret either to the Japanese, the Filipinos, or to the Americans themselves. Everyone of them knew that the pact, "conceived in bad faith and born in coercion," was but a worthless scrap of paper.

The pact of alliance was not much different from the blood compact in 1570 between Legazpi, on the one hand, and Rajahs Lakandula and Soliman, rulers of the then kingdoms of Tondo and Manila, respectively, on the other. That blood compact, while affirming friendship between the parties, was intended by Legazpi to open the way for Spanish domination here. Rajah Soliman, aware of that intention, entered the compact, as he probably had to in order to forestall an impending Spanish attack, but with mental reservations, because he knew that his ideas of independence could not be reconciled with friendship for the foreigners, especially since such friendship meant his paying to them a tribute. In spite of the blood compact, therefore, he secretly planned a general assault against the forces of Legazpi, which, when it actually took place, resulted in defeat and in the occupation of Manila by the Spaniards.

Another example is the Pact of Biak-na-Bato signed on December 14 and 15, 1897 between the government of Spain, represented by Fernando Primo de Rivera, and of the Philippine revolutionary government headed by Aguinaldo, represented by Pedro A. Paterno. According to a local historian, "the circumstances surrounding the signing of the pact seemed to prove that the two parties had acted in bad faith. The government thought that paying the indemnity was much cheaper than continuing the war, while the revolutionists thought that with payment of indemnities they would be able to secure more arms and munitions for the resumption of war."

History is replete with such examples of treaties or agreements between strong and weak nations, which, because they were imposed by the former and backed by brute force, had been nullified by the latter through trickery and wiles.

A case in point: Japan's surrender and MacArthur's iron rule in Japan

The case of the so-called Japan-Philippine Pact of Alliance may perhaps be further explained by citing as example the recent surrender of Japan. Once that surrender was decided upon as a result of the hopelessness of the Japanese cause, it had to be carried out and the terms of the surrender signed, whether by Foreign Minister Sigemitsu and General Umezu, who had been designated by the Emperor for that purpose, or by any other representative of the Japanese government. It was not these men who were subjected to any particular duress or coercion—for what they did was merely a perfunctory and ministerial act—but the government as well as the people of Japan, who after the atomic bombing of Hiroshima and Nagasaki, found themselves faced with the grim alternative of unconditional surrender or total destruction. By the same token, it may be said that the Filipino leaders who remained in the Philippines and who tried to make the best of a bad situation should not be any more responsible for their acts than those whose lack of foresight made it possible for that situation to arise.

To carry the analogy a little further, the pact of alliance was nothing more or less than a treaty dictated and imposed by a victorious power upon a vanquished nation, just as the United States is even now carrying out in Japan the terms of the Potsdam declaration and decreeing, among many fundamental changes, a radical revision of the Japanese constitution, the abolition of state shintoism, and the emperor's renunciation of his own "divinity," with the difference that while the Japanese have to deal with a highly civilized and enlightened people, the Filipinos at the time had to put up with forces that were intransigent, parochial, semi-feudal, oppressive and tyrannical, and that while the United States is bending her efforts toward effecting wholesome changes into the political, economic and social structure of Japan in order that it may conform to democratic standards and ideals, the Japanese in the Philippines, in desperation even then because the tide of the war had already started to turn against them, were intent on ignoring and overriding similar moral considerations.

A treaty exacted through coercion and duress after V-E and V-J Day

Another instance to the point, and the more significant because it came after V-E and V-J Day of a treaty obtained through coercion and duress exerted not on any particular individual or group of individuals

but collectively, on a nation as a whole, and acquiesced in by the latter in order to spare itself the calamities implied in an attack and invasion by a powerful enemy, is the treaty signed on New Year's Day (1946) between Great Britain and Siam, by which Siam agreed to make restitution and repudiate all measures she had taken pursuant to the declaration of war made by her upon Great Britain and the United States on January 23, 1942. The conclusion of this treaty was preceded by a British ultimatum couched in the following terms, as reported in a United Press dispatch of December 6, 1945:

BANGKOK, Dec. 6—(UP)—Britain has presented a series of new demands on Siam, it was learned today.

The new demands include the following:

1. Siam will remain under British rule until she is accepted into the United Nations;
2. The British will hold control over all Siamese banks, businesses, foreign exchange and commercial transactions;
3. Exports of rice, tin, rubber and teak will be prohibited until there is no longer a world shortage in these commodities;
4. The Siamese press, radio, telephone and telegraph will be placed under British censorship;
5. Siam will be bound by any multilateral treaties made by Britain prior to December 7, 1941, whether or not Siam was originally a party to the agreements.

That this treaty was not freely negotiated on the part of Siam, but imposed on her by Great Britain, is evident from the very statement made after the signing of the treaty by M. E. Denning, political adviser to Lord Louis Mountbatten and Great Britain's plenipotentiary. According to a United Press report, Denning said: "The agreement means that Siam retains her freedom, her sovereignty and her independence, and that *any future treaties and agreements which she may negotiate with Britain will be freely negotiated.*"

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The establishment of the Republic, the signing of the pact of alliance, and the declaration of a state of war, far from giving aid and comfort to Japan, resulted in detriment to her war efforts

IT has been here shown that long before the establishment of the republic on October 14, 1943, the Japanese army of occupation had acquired control of all aspects of Philippine life. If there was anything that had so far escaped such control, it could have been extended with more facility directly by the Japanese military administration than through the government of an ostensibly independent republic. The actual extent of that control in the economic, military, ideological and political fields has been discussed. The military aspect, which presumably the Japanese wanted to stress in giving "independence" to the Philippines and having the new republic sign a pact of alliance, needs further examination.

The entire national economy, which of course was inseparable from the overall plan for the prosecution of the war by Japan, had already been mobilized by direct fiat of the army of occupation. In the strictly military sense, it was equally true that Japan could achieve and had already achieved, by her military administration here, more than she could ever hope to do under the republic. By virtue of the release of the Filipino war prisoners, Japan had secured from them an oath of loyalty to her armed forces. The military administration had established constabulary academies under the close and direct supervision of army officers, apparently to train Filipinos for active police work. By force and deception, both the Japanese army and navy were recruiting Filipino laborers and then making them serve as "yoin", or members of their auxiliary army. Neighborhood associations organized under Japanese orders were required in certain cases to send regularly a quota of male members to work in airfields and other military installations. There was a seamen's institute and a naval school to

instruct and train young Filipinos for eventual service in the Japanese merchant marine and in the Japanese navy, respectively. All these activities were handled directly by the Japanese.

The establishment of the republic did not enhance Japan's system of control. On the contrary, legal and technical difficulties were placed in the path of its execution. Taking advantage of the proclamation of independence and claiming sovereignty for the new republic, the Filipino leaders began protesting against the practices and methods which the Japanese had been accustomed to carry out under their military administration. They protested against the impressing of Filipinos into military service. They asked for the release of those who were originally enticed into working in the army and navy as civilian employees but later converted into "yoin". They protested against the forcible requisitioning of private houses for the use of military personnel. Through the issuance of the amnesty proclamation by Mr. Laurel, many guerrillas were released from detention in Japanese prison camps and were thus afforded greater security and freedom of movement while continuing to engage in their resistance activities. In the foregoing matters it may be said that the efforts of the new government met with some success.

In other matters the situation remained much the same as it was before the republic was established. But while the Japanese continued to exercise blanket control, they had to go through certain formalities for the sake of appearances, as a concession to the pretended independence and sovereignty of the republic; and this opened the way for the dilly-dallying attitude of the Filipino officials, which meant loss of time for the Japanese, much to the detriment of their war efforts.

For instance, with respect to natural resources, Japan had the right, recognized by international law in a military occupant, to exploit and develop such resources, these being of the public domain, for the purpose of promoting her war efforts. That right she exercised to the fullest extent by direct military action. After independence, the Japanese continued to exploit and utilize the natural resources of the country, but from the legal standpoint they had to reckon with the limitations provided for in the constitution of the republic, which required that the matter be the subject of agreement with the president.

Under the constitution the Filipinos were supposed to enjoy certain rights and immunities, the same as those enumerated in the bill of rights in the constitutions of the Commonwealth and of the United States. Unreasonable searches and summary arrests by Japanese soldiers and military police, seizures of private properties without due process of law, military punishment of civilian offenders, involuntary service in army and navy construction works—all these were the subjects of energetic protests by the Ministry of Foreign Affairs of the republic, which on many occasions so embarrassed the Japanese that

they had to resort to trickery to deny such practices, as by securing through intimidation and duress, affidavits and other declarations of denial from those Filipinos in whose behalf the protests were made.

With regard to Japanese subjects in the Philippines, the military occupation had placed them, by special proclamation, on the same footing as Filipino citizens insofar as certain rights reserved to the latter before the war were concerned. Upon the establishment of the republic, the Japanese returned as a matter of law to their former status, inasmuch as the limitations to the rights of foreigners under the Commonwealth Constitution were reproduced entirely in the Constitution of the Republic. Another legal consequence of the new set-up was to place all Japanese, with the exception of officers and personnel of the army and navy, under the jurisdiction of Philippine laws, and to abrogate all military ordinances, regulations and pronouncements otherwise inconsistent with the constitution or repugnant to the sovereignty of the republic. For instance, the military ordinance imposing the death penalty on any Filipino who would kill or injure a Japanese soldier or civilian became obsolete since the inauguration of the republic, and the military authorities were informed accordingly.

These innovations resulting from the establishment of the republic were true from the strictly legal point of view. As a matter of fact, however, the supreme authority continued to be lodged in the Japanese armed forces, and the Japanese persisted in living above and beyond the pale of Philippine laws while the Filipinos continued to be subjected to military control, and in many cases even to the whims and fancies of Japanese civilians. The Filipinos, to a man, bitterly felt and realized that the advent of independence and of the republic was little, if any, protection against the known rigours and atrocities of the Japanese occupying forces. All this goes to show that the grant of independence and the establishment of the republic were intended by the Japanese as nothing but a sham, a scheme of make-believe. The whole situation was but the result of Japan's pre-existing plan of establishing, for propaganda purposes, a co-prosperity sphere composed of countries which, though ostensibly independent, would be in reality her colonies and dependencies. It was also part of that plan that these "independent" countries would be, as they were, forced to conclude treaties of alliance with Japan, ranging from a joint-defense agreement in the case of the Philippines, supposed to become operative in the event of invasion of Philippine territory by a third power, to outright offensive and defensive alliance coupled with immediate declaration of war in the cases of Nanking China, Siam, French Indo-China and Burma, and implemented by their active military cooperation with Japan for the prosecution of the war.

As far as the Philippines was concerned, Japan derived no benefit whatever from the pact of alliance which she could not have derived without it. Direct military occupation was indeed a far more potent force than the pact for all purposes envisaged here by Japan. The

fact that Article 4 of the Pact, which states that "the matters of detail necessary for the execution of the present Pact shall be determined through consultations between the authorities concerned of the High contracting Parties," was never put into execution, shows further not only the perfunctory character of the said Pact but also that it had never been intended for any material or practical accomplishment. Its contemplated value, on the part of Japan, was merely from the point of view of propaganda, and in this respect, as we shall presently see, it was an utter failure.

The "popular" resolution which the 400,000 (this figure was furnished by the *Tribune*) people who attended the Luneta public rally on May 6, 1945, on the occasion of Tojo's visit, were made to approve *unanimously*, had pledged a larger measure of cooperation with Japan than the Pact of Alliance itself.

The text of that "popular" resolution is as follows:

"WHEREAS, in the brief span of one year since the complete and unconditional surrender of the United States Forces, the New Philippines had made tangible and positive progress toward national unity, spiritual rejuvenation, and economic rehabilitation as a result of the high ideals and enlightened policies of the Imperial Japanese Government and the unfailing guidance and valuable assistance of the Military Administration in the Philippines;

"WHEREAS, the personal visit to the Philippines of the foremost leader of Japan, Premier General Hideki Tozyo, whose utterances have always demonstrated a genuine love for the Philippines and the Filipinos, is a momentous and historical event in the annals of our country; and

"WHEREAS, the Great Empire of Japan, through the Imperial Japanese Forces and the Military Administration in the Philippines, has always shown benevolent attitude towards the Filipinos and unselfish solicitude for their welfare;

"NOW, THEREFORE, BE IT RESOLVED, that the Filipino people formally and solemnly assembled at the Luneta in the City of Manila extend, as they hereby extend, a warm and cordial welcome to the illustrious Visitor, Premier General Hideki Tozyo; and

"BE IT FURTHER RESOLVED, that this solemn assembly express, as it hereby expresses, the firm determination of the Filipino people to exert their utmost to merit the honor of independence, *to extend their fullest collaboration in the successful prosecution of the Greater East Asia War until final victory is won by the Empire of Japan, and to surmount any obstacle that may be found in their path to freedom and nationhood;*

"BE IT FINALLY RESOLVED, that this solemn assembly express, as it hereby expresses, the undying gratitude of the Fil-

pino people for the chivalrous leadership of the Great Japanese Empire and its unprecedented benevolent policy towards the Philippines and the Filipinos."

Nobody knew at the time who was the author of the resolution, but everybody knew that its preparation was directed by the Japanese military administration. It was read by the master of ceremonies at the rally who then asked if the "400,000" people who composed the "made-to-order" audience approved it. There was a roar, but whether of approval or disapproval was not certain. At any rate the master of ceremonies announced that the resolution had been *unanimously approved*, after which Mr. Vargas presented its text to Premier Tojo.

As may be noted, that resolution pledged more to Japan than the Pact of Alliance. For propaganda purposes it had even greater value, because it was ostensibly adopted by the Filipino people themselves, unlike the pact, which appears to have been concluded by the puppet head of state and signed only by his representative. Are those 400,000 Filipinos assembled at the Luneta on May 6, 1945, who were made to express their approval of the resolution, guilty of collaboration?

The pact of alliance, a boomerang as Japanese propaganda

Neither did the pact of alliance serve Japan's ends as an instrument of propaganda. With regards to the Filipinos, it only convinced them more than ever of the falsity and hypocrisy of Japan's solemn commitment to respect the sovereignty of the Philippines, because it did not minimize the abuses and atrocities committed by the Japanese and the infringement of the sovereign rights which the Philippines was supposed to have if she were really independent. It increased the feeling of fear, hatred, foreboding and distrust of the Filipinos to such an extent that as the months went by the size and determination of the resistance forces were considerably augmented. The establishment of the republic and the signing of the pact of alliance, therefore, had no other effect than to increase the hostility of the Filipinos toward Japan, as is invariably the case when insult is added to injury.

With regard to the other countries of East Asia, the conclusion of the Philippine-Japan Pact of Alliance produced no better effect, because everyone of these countries was familiar with Japanese policies and knew the real truth about them. With regard to the outside world, the pact as propaganda was equally futile. Japan's axis partners certainly did not need to be deceived. They were themselves past masters in the ways that Japan employed. Nazi Germany's dictated treaties of alliance and declarations of war on allied powers exacted from Bulgaria, Rumania, Hungary, and other nazi-conquered territories were as well-known to Japan as Japan's dictated treaties of alliance and declarations of war on allied powers exacted from the countries of East Asia were well-known to Nazi Germany. As to the United Nations, conscious even then of certain victory, they could not

have been weakened, but only became the more determined to defeat Japan and humble her completely for her arrogance. Besides, the United Nations, aware of the helpless situation in which the countries of East Asia found themselves under the sway of Japan's military might, knew that such treaties were not the expressions of the free will of those vanquished peoples but impositions of Japan's unopposed and relentless power. Furthermore, the means employed by Japan to exact that pact was neither new nor uncommon in international relations.

Treaties exacted through coercion not uncommon in the history of nations

Mention has already been made of the history of the recent, post-V-J Day treaty between Great Britain and Siam.

The fate of the small European countries like Rumania, Bulgaria and Finland, first vis-a-vis Nazi Germany, and later vis-a-vis Russia, and the fate of the Latin American republics vis-a-vis the United States, followed more or less the same pattern. In the first case the pressure employed was military; in the second it was diplomatic. But in both cases it was equally effective. Those small countries in Europe, which, as a result of Hitler's blitzkrieg, became German satellites, were made to declare war against the Allied powers. When in the wake of Russia's powerful counter-offensive they passed under Russian military control, they were made to declare war on Nazi Germany and Japan. Argentina, which in fact had pro-Nazi leanings, tried to stand pat for a long time but through diplomatic pressure had to give in toward the end and declared war on Nazi Germany and Japan.

Commodore Perry did not have to fire any of his guns to exact from the terrorized Japanese Shogun in 1854 the first treaty opening certain Japanese ports to American trade. It was enough that his "black" warships were posted conveniently in Yedo Bay. The method of "persuasion" proved effective. The Shogun yielded and became Perry's "collaborator."

And yet the Filipinos under the Japanese occupation, who had lost completely the protection of the Commonwealth and of the United States, whose armies were thousands of miles away, and found themselves helplessly pitted against the inexorable might of their conqueror, like sheep among a pack of wolves, were expected not to sign "manifestos" and "appeals" they were ordered to sign; not to write the constitution they were ordered to write; not to acquiesce in the "independence" and the "republic" made-to-order for the Philippines; not to enter into a so-called pact of alliance they were told to enter into; not to make the so-called declaration of war they were ordered to make. Official photographs taken by the Japanese propaganda corps on the occasions above mentioned fail to show, it is alleged, that the Filipino leaders under the occupation executed those acts of "collaboration" at the point of the bayonet. No evidence of duress indeed!

True there were Filipinos of acknowledged valor who would have chosen different means to save the country, such as by defying the invader and resisting without fear whatever pressure might have been brought upon them. But these heroes were not then available. Some were in hiding, some lying low in perfect anonymity engaged in profitable undertakings, some living abroad writing bed-time stories about their heroic deeds.

The declaration of a state of war not an off-shoot of the pact of alliance—Another product of Japanese coercion

SOME would say that if nothing else, one concrete result arose from the pact of alliance, namely, the declaration by the republic of the existence of a state of war with the United States and Great Britain. Even without it, however, Japan had been assuming all along that the Philippines was already in the war on her side. This was clear from the statements of Japanese leaders before and after the republic was established and the pact was concluded. It was in fact implied in the Japanese idea of the co-prosperity sphere. How far that implication was translated into actual military cooperation depended solely on the ability of each member of the sphere to resist Japanese pressure.

On December 8, 1942, that is, almost a year before independence was proclaimed and the Pact of Alliance signed, and almost two years before the declaration of the existence of a state of war, Syozo Murata, then the highest adviser to the Japanese Military Administration, in a radio broadcast posed this question to the Filipinos: "*Do you at any time say to yourself that you are fighting together with Japan against the United States and Great Britain? Or are you inclined to say that Japan is doing the fighting and all that is necessary is to stand by and wait for whatever orders may come to you?*" And he ended his message by reminding the Filipinos "once again of the need for a dynamic outlook upon the great war, and to comprehend its significance, and to visualize its history-making consequences."

In the same vein was the following editorial of the *Tribune* of December 22, 1942:

With the rosy thoughts of Christmas and the Year-End season overwhelming us, *are we not forgetting that we are fighting a war?*

Have not the war Year-End measures initiated by the Japanese, our friend, made us less conscious of the existence of the Anglo-Saxons, our enemy?

* * * * *

We reiterate: We must once again affirm our readiness to collaborate with Japan in fighting Our War to a glorious finish.

On December 8, 1943, that is, a year before President Laurel was made to proclaim the existence of a state of war between the Philippines and the Allied Powers, General S. Kuroda, then the Commander-in-Chief of the Japanese Army in the Philippines, made the following statement:

Greater East Asia War is not only Japan's war. It is necessary that the Filipino people recognize this fact with utmost clarity. In order for the Philippines to become a strong, just and a great independent nation, it is necessary that each and every Filipino should grasp firmly this undeniable reality. It is necessary here to elaborate upon the fact that only in the attainment of complete victory in the war through collaboration with Japan that the nations of Greater East Asia can really consolidate their freedom and independence. *If there be a Filipino who believes that there will be no change in the development of the Philippines as an independent nation whether or not Japan wins or America wins in this war, there could be no greater error.*

That the existence of a pact of alliance with Japan was not the reason for the declaration of a state of war between the Philippines and the United States and Great Britain, was evident from the *Tribune* editorial of September 29, 1944, which said in part:

Ideologically, the war aims of the Philippine Republic are identical to those of Greater East Asia. However, our peculiar position at the present stage of the global conflict and as a recent entrant into active warfare gives our war aims a distinct character which should be clarified and amplified in the eyes of the world and those in our country who may have missed its import and significance. After all, no nation just fights for no reason at all, and certainly the Philippines cannot afford to stake the life and blood of so young a nation without some great reason.

At the outset, it is safe to assert, with little need of further proof, that our Pact of Alliance with Japan alone cannot be and has not been the whole reason for our declaring war on America and Great Britain. Everyone knows that immediately after the Philippines became an independent republic on October 14, 1943, our Government entered into that Pact; and yet, during all the ten months which followed its signing, neither Japan nor the Philippine Government saw the necessity for the Philippines to declare herself in a state of war with the common enemy.

Independently of the Pact, however, when against the protestations of amity which our President addressed to the nations

of the world in general and the plea for respect of our territorial integrity and independent sovereignty addressed to America in particular, American planes in large numbers violated our sovereignty and integrity several times earlier this month, the Filipinos were left no choice but to take the only honorable course already taken.

A declaration of war on paper only

At any rate, in the case of the Philippines, everybody knows just what Japan got out of the declaration of the existence of a state of war. It was exactly nothing. It was nothing more or less than a declaration of the existence of a state of war *on paper*, and just as worthless. Despite the relentless pressure brought to bear by the Japanese, the declaration was not made until one year after the pact was signed, and then only after the Americans had begun their round-the-clock bombing of military objectives in the Philippines preparatory to actual landings, which came less than a month later. It was made with a simultaneous declaration by Mr. Laurel that not one single Filipino would be conscripted into the Japanese forces, or into a Philippine army to fight with them. This in itself was a distinct achievement, considering by way of comparison the developments in the other countries of East Asia which came under the domination of Japan: the signing of an offensive and defensive treaty of alliance by each of them, the simultaneous or otherwise early declarations of war against the United States and Great Britain, and the active military aid given to the Japanese fighting forces. It must be remembered that Burma, not to speak of Siam, Indo-China, Indonesia, Nanking China, Chandra Bose's "Free India," raised, under Ba Maw's "War First" principle, a sizable army to fight on the side of Japan.

Republic's lukewarm attitude towards the war situation—It irks the Japanese

During that period of time when the Japanese High Command was exerting relentless pressure on President Laurel for a declaration of war against the United States and Great Britain, the *Tribune* embarked on an editorial campaign toward that end to the extent of making mortifying allusions to the lukewarm attitude of the Filipino officials as compared with the courageous determination of Finland, Burma and Indonesia. "Finland's Determination and Ours" was the title of the *Tribune* editorial of July 8, 1944, which reads in part:

Several days ago, we commented editorially on the fate of a small, but honorable country—Finland. Threatened by the powerful forces of Soviet Russia, the small strip of territory forming an obstruction to the tip of the Scandinavian peninsula, which would give the Red forces another point of attack on the European continent, was given an ultimatum to bow submissively to the might of communistic necessity or be wiped off the map.

National honor and dignity dictated resistance against all odds, no matter what cost. In Finland's hour of need, Germany came to the rescue and, loyal to all honorable allies, pledged to keep her word to collaborate with Finland militarily until victory shall have been achieved and Finland's honor saved.

Finland is a small nation, geographically, militarily, even economically. But Finland understands the true meaning of honor and national dignity; and, between an inexpensive dishonor and a fight to the death with honor, Finland finds no choice and acts with manful courage.

The Tribune editorial of July 26, 1944, entitled "Our Sole Aim Now", reads partly as follows:

In our insularity, however, and on account of the presence here of some *elements of ambiguous loyalties*, we lose sight of our Oriental originality and racial heritage. We overlook so many vital and fundamental conditions of our birthright, matters most precious to the Filipino heroes whose memory we have learned to venerate. It is well that, now and then, we are privileged to be reminded by fellow-Asians who keep the ideals of all proud East Asians aflame in their breasts, about these precious things that we are forgetting.

But the fact is that *no single East Asian faction or group has any right to obstruct the heroic efforts of one billion peoples to fight honorably for the emancipation and continued freedom of all peoples and nations in this part of the world from any further intervention or exploitation by the self-acclaimed "superior" peoples of the world. Our common destiny must be achieved, God willing and one billion East Asians fighting to the death in close collaboration. There are no ifs and buts, no alternative that can be taken with honor.*

Our very freedom as a nation is at stake. In the words of Dr. Ba Han: "The long-cherished desire for independence was fulfilled only on October 14, 1945. Mark you, independence did not come from America. It should be remembered that independence cannot be realized by any country as a matter of gift or bounty from another. A nation that is determined to be free must be able to defend its freedom and lay for itself the basis of its stability."

"We peoples of the East are fighting for our national existence, and for everything we hold dear. It is for us to pool our resources and stand together in this fight for freedom, undaunted by temporary sufferings and setbacks, till victory is achieved. This should be our sole aim now."

It is our sole aim. All things that stand in the way to the fulfillment of this aim must be sacrificed.

And the same paper's editorial of September 15, 1944, entitled "One Duty Before East Asia", said among other things:

The clearest and most succinct appreciation of the situation which all East Asians must face has been made by Nainggandaw Adipadi Ba Maw of Burma, in commenting upon Premier Koiso's speech to further stimulate the war efforts of East Indies. "After this," declared the Adipadi, "there is only one duty before the East Asian peoples: *it is to live and die together in the defense of our racial liberty and honor.*"

Speaking further, he said, "Free Asian nations will from this day onward guard the several gateways of East Asia; Burma in the west, the Philippines in the east, and Indonesia in the south.

* * * * *

What shall we do? We still recall President Laurel answering that question on the eve of his election as President of the Independent Philippine Republic: "That is a question to which the manly has only one answer. When a man is aggressed, it is manly to defend his honor."

The following day, September 14, 1944, the army mouthpiece in another editorial entitled "Our Stand Becomes More Definite", commented as follows:

The logic of events has led up to this clarification of our stand as a worthy East Asian nation and an ally of Nippon. Only yesterday, Burma's staunch leader and, like the President, a champion of East Asian freedom gained through victory of this war, was quoted as saying, "*there is only one duty before the East Asian peoples: it is to live and die together in the defense of our racial liberty and honor.* Free Asian nations will from this day onward guard the several gateways of East Asia; Burma in the west, the Philippines in the east, and Indonesia in the south." *The Indonesian leader (Dr. Soekarno) has, likewise, made the stand of his people for all-out collaboration in this war unmistakable.*

It is but natural that *the President of the Republic* representing a people no less conscious of the ideals that this war is seeking to uphold and of the destiny of this nation now tipping the balance in this critical period, a people grateful for the many gifts thus far received, of which liberation and independence are foremost, should make a more definite stand of whole-hearted and more effective cooperation in the winning of the common war of East Asia's billion peoples.

The timid and the weak should here be reminded that there are many more ways of fighting a war than on the battlefield. Even Japan, herself, the leader-nation in the vanguard of this great struggle for the freedom of all East Asia, has not sent all her subjects to the warfront to fight with bullet and bayonet. There are those loyal and patriotic people who work in the foundries and the mines and the munitions factories. And there are

those no less patriotic women and children who stay at home and wage the national battle right on the home-front.

In these many ways, the Filipinos can allocate themselves and see in what particular way every individual's powers can best be employed so that, when the combined forces of all East Asians are consolidated and put into one total and sustained effort, victory shall be ours in the end to ensure the freedom of all.

The declaration of a state of war was on legal and moral grounds void "ab initio"—With the simultaneous announcement that it did not carry with it military conscription, it was a mere scrap of paper

The existence of a state of war was declared when it could no longer be avoided without inviting the direst consequences in terms of wholesale and merciless reprisals and without defeating the avowed purpose of the Filipino participation in the government to spare the destruction of Filipino lives. They had only to remember that one of the earliest (January 2, 1942) proclamations of the Japanese Commander-in-Chief warned the inhabitants of the Philippines that "committing hostile acts against the Japanese Forces in any manner"—not to obey their orders was to commit a hostile act—"will lead the whole country to ashes."

At any rate such state of war would have been declared with or without any pact of alliance. If for some time the Japanese pressure could be resisted, with actual American bombings of Philippine territory further refusal became impossible. But Mr. Laurel knew, as did his ministers and the members of his Council of State, just what the declaration was good for.

As far as the Allied Powers were concerned, the declaration itself served them notice of its nullity. The declaration recited, as one of the considerations behind it, the fact that "the Republic of the Philippines has entered into a Pact of Alliance with Japan, based on mutual respect of sovereignty and territories, to safeguard the territorial integrity and independence of the Philippines." To anyone reading this statement the phrase "based on mutual respect of sovereignty and territories" was pure surplusage, and was neither necessary nor material to the apparent purpose of the declaration. But it was expressly inserted in order to make it plain for all to see that inasmuch as Japan never accorded respect to the sovereignty and territorial integrity of the Philippines—a fact known to the whole world in general and to the Allied Powers in particular—and therefore never fulfilled the basic condition of the pact, no obligations whatsoever on the part of the Philippines originated from or were created under said pact, and that

if she declared the existence of a state of war it was not because of the null-and-void Pact of Alliance but because she was forced by Japan to do so.

To give point and unqualified confirmation to that implied announcement of the declaration's nullity, Mr. Laurel announced at the same time that the Filipinos would not fight and would not be called upon to fight on the side of the Japanese, and deliberately failed to submit the said declaration to the National Assembly for ratification, as required by the constitution of the republic. The Republic's position was unmistakably clear and the intention of its high officials evident. They knew that the Americans, constitutionally minded as they are, would not but instantly perceive that, in failing to comply with a constitutional requirement affecting the validity of the declaration in question, said officials intended to serve notice to the American people that the Republic was coerced by the Japanese into making it.

Furthermore, that declaration was in the eyes of the Japanese themselves a mere joke. General Yamashita, who assumed command of the Japanese Army in the Philippines some time after this declaration of a state of war was made, reportedly commented on it on the occasion of a visit to President Laurel, saying that a declaration of war without military conscription was something that he could not understand.

"Makapili" replaces republic

THE Japanese could suffer the obstructionist and dilly-dallying tactics of the high officials of the Laurel government for some time, but when this attitude continued even in the face of the ever growing seriousness of the war situation, they finally came to realize that it would not be through said government that they could secure from the Filipinos any degree of cooperation in the carrying out of their war plans here. This non-collaboration attitude reached the point where President Laurel even allowed as many as seventy-five percent of the constabulary force, including officers as well as enlisted men and members of his own presidential guard, to desert and join the guerrillas carrying away with them a large quantity of firearms and ammunition, without doing anything to stop or prevent further desertions and without punishing the officers guilty of negligence or connivance. Muntinglupa Bilibid Prison was twice allowed to be raided by the guerrillas in order to liberate the political prisoners. In view of such a state of affairs the Japanese disarmed the remaining constabulary detachments and arrested and later executed those constabulary officers whom they believed to be in conspiracy with the deserters and placed Muntinglupa under their direct control.

If the Japanese, therefore, had to accomplish practical results along the line of cooperation, they had to do away with the Republic and set up a machinery of their own, over and above and in lieu of the Republic. But no coup d'etat was to be executed, no outward violence to be resorted to, in order to avoid unpleasant repercussions in Washington, and even in Tokyo. The scheme had to be carried out smoothly and without flaw.

Thus they lost no time in completing the organization of the "League of Patriotic Filipinos," or MAKAPILI, to be headed by Ramos, Ricarte and their political followers who were well-known for their pro-Japanese sentiments and whom the Japanese always trusted for their sincere adherence and loyal cooperation to Japan. It is very significant that the declared paramount purpose of this organiza-

tion was "the fulfillment of the obligations assumed by the Republic of the Philippines in the pact of alliance with the empire of Japan," by "collaborating unreservedly and unstintedly with the Imperial Japanese Army and Navy in the Philippines in such ways and means as may in the judgment of the Imperial Japanese forces and the Association be deemed necessary and fruitful." The implication was clear: the republic assumed certain obligations it did not wish or care to fulfill. The MAKAPILI would fulfill them for the republic and the republic would have nothing to do with the ways and means of carrying out the all-out collaboration between the Japanese forces and the MAKAPILI. That would be the exclusive business of the MAKAPILI and the Imperial Japanese forces. The republic could not be trusted. The republic had to be, as it was, left out of the entire scheme.

That the object of the Japanese high command was to have the MAKAPILI replace the republic in the task of according to the Japanese forces the much needed aid and assistance, is glaringly shown in the editorial published by the Japanese army mouthpiece, *The Tribune*, on the occasion of the official launching of the MAKAPILI. The editorial constituted not only a severe indictment of the republic for its inability "to fulfill the national ideal of defending the freedom of the Philippines," but an exultant expression of hope that the MAKAPILI would succeed where the republic failed miserably. The editorial runs as follows:

"MAKAPILI" IN THE VANGUARD

The new association of patriotic Filipinos, known as "Makapili", has been organized to fulfill the national ideal of defending the freedom of the Republic of the Philippines, in essence the same as that which fired Lapu-Lapu to launch a handful of poorly armed Filipinos against Magellan in the shallow waters of Mactan and gave courage to a war-weary band of Filipino revolutionaries under Aguinaldo to pit their strength against Dewey's navy and Generals Anderson and Merritt's superior army.

Lest the abstract-oratory of a superficial past envelop the true meaning of "defending our freedom" to a confused present, we will attempt to clothe the expression in the more concrete terms of present-day necessity.

Since the Republic cannot pride itself with having the necessary army, navy and air forces of a warring nation in full dress, the passive thing to do would have been to rely wholly upon the splendid organization and spirit of the Nippon forces to defend our shores against American invasion. True it is that Japan alone can cope with the situation. Both as a matter of necessity and as a matter of fulfilling the terms of a sacred treaty of alliance, Japan is called upon to do so. In fact she has been doing so all along.

But the national self-respect and the ardor of our traditional patriotism do not allow the Filipinos—or that element among us, at any rate, who have not lost the fire of the eternal flame—to just sit by while our cities and civilian centers are being bombed and burned and our helpless fellow-countrymen driven to untold economic misery or otherwise mercifully saved by shrapnel and machinegun strafing from further torture. Hence, the Makapili.

Now, how to defend our freedom under the circumstances. Defending our freedom does not necessarily consist in organizing mechanized divisions, manufacturing thousands of planes and manning them with expert Filipino aviators and paratroops, building a first-class navy overnight. There are other ways, just as there are various ways to skin a cat.

Preserving peace and order within our territory would be quite as important a phase of defending our freedom as actually meeting the enemy in the forefront. Preserving peace and order is the basic condition upon which we have to premise our national self-preservation. The reason is too obvious to require an elaborate explanation: suffice it to say that if the enemy from within—the economic saboteurs, the rumor-mongers, the terrorists, the out-and-out confederates of American domination who wish to deliver Philippine freedom to the enemy for a consideration—should succeed in destroying the nation, there would be no nation to enjoy the freedom which this war is keeping to snatch and preserve for the inhabitants of this sphere.

Another phase of safeguarding that freedom and very closely related to the peace and order movement is the question of securing sufficient foodstuffs for the nation. A hungry people cannot have or enjoy peace and order, or have much energy to want to be free. Hence, will the Makapili mobilize the entire nation for food production and the procurement of essential supplies so necessary in winning the war.

There are many ways, let us repeat, of defending our freedom. And any Filipino with courage, vision, and patriotism may find a place and a participation in the Makapili and there remain in the vanguard in defense of our freedom.

(*The Tribune*, Saturday, Dec. 9, 1944, p. 6)

At the official launching of the MAKAPILI, its "Tandis" or supreme head, in his inaugural address brazenly declared that the MAKAPILI would be independent of the republic and subject only to the authority of the Japanese Commander-in-Chief. General Yamashita and the members of his staff were present on that occasion, presiding over the affair, and were visibly exultant over Ramos' manifestation. When President Laurel's turn to speak came, he rose angrily and picking the gauntlet thrown by Ramos, in a thundering voice said:

"There is only one Republic of the Philippines, to which we owe allegiance, and which we must defend with our sinews and blood. This Republic is the one of which I happen to be the President.

"As long as I hold and exercise the authority, I cannot consent or permit any organization, political in character, by individual Filipinos or groups of Filipinos, to exist unless that organization is subject to the authority and control of that Republic.

"In the interest of self-preservation, and even of the conservation of the joint understanding of Japanese and Filipinos in establishing that Republic, we cannot afford to permit the existence of any Filipino organization which should be beyond the control of, or independent from, the overwhelming authority of the independent government of that Republic. Otherwise, the result would be disintegration and eventual destruction of that government."

That was on December 8, 1944. Two weeks later, or on December 22, in order that the MAKAPILI might be given free hand in running the entire government in Manila and provinces for the benefit and aid of the Japanese forces, President Laurel and all the members of his cabinet, and Chief Justice Yulo, Speaker Aquino, Generals Roxas, Francisco, and Capinpin, were whisked to Baguio under heavy military guard to be kept there as virtual prisoners, until Messrs. Laurel, Aquino and Osias, and General Capinpin were taken to Tokyo and the rest managed to escape from Baguio and crossed to the American lines.

The formation of the MAKAPILI by the Japanese High Command and its induction into power to replace the republic proves, more conclusively than any other evidence, the fulfillment by the officials of the republic of the pledge they made to themselves and to their people, in the beginning of the republic, that they would use it to protect the people and comfort them in their misery and to out-smart the Japanese at their own game by thwarting and sabotaging their war efforts as much as possible.

The law of nations as interpreted and applied by the United States

ONE of the incomprehensible aspects of the collaboration issue is that those who on the one hand condemn the Filipino leaders who were forced to serve in the two governments during the Japanese occupation, are prone to excuse, on the other hand, the employees who served in minor or subordinate positions. They forget that if some kind of government was necessary at all, because "order was to be preserved, police regulations maintained, crime prosecuted, property protected, contracts enforced, marriages celebrated, estates settled, and transfer and descent of property regulated precisely as in time of peace," such government could not exist with only subordinate employees but necessarily with officials above them.

If justice was to be administered, the courts of first instance had to function; but they could not function without judges, because cases could not be heard and decided by mere clerks and stenographers. And if the decisions of these courts were to be reviewed by a higher court, both under the constitution of the Republic and under the Constitution of the Commonwealth, there had to be necessarily a Supreme Court, and in the Supreme Court a Chief Justice. By the same token other departments of the government were necessary, "in order that the ordinary pursuits and business of society may not be unnecessarily deranged," and as each of them had to function under a chief (whether called Secretary, Commissioner or Minister), so all of them should be under the supervision of one head in order that their different functions could be coordinated.

When the first Council of State and the Executive Commission were organized upon orders of the Commander-in-Chief of the Japanese forces, there was not the slightest indication that the persons to constitute those bodies would be called upon to execute acts of a political nature. Neither the letter signed by the thirty odd members of the original Council of State nor Order No. 1 addressed to Mr. Vargas,

nor the latter's statement to the press immediately thereafter, show that they would be made to do anything with a political color. But, as expressed by Professor Hyde in his "International Law Chiefly as Interpreted and Applied by the United States" (1945 Edition), "the occupant is likely to regard himself as clothed with freedom to endeavor to impregnate the people who inhabit the area concerned with his own political ideology and to make the endeavor successful by various forms of pressure exerted upon enemy officials who are permitted to retain the exercise of normal governmental functions." They had been in office for some time when orders or directives began to be issued by the Commander-in-Chief and by the Director of the military administration, enjoining upon them the execution of political acts, such as making speeches, broadcasts and press statements on the subject of the co-prosperity sphere and germane Japanese propaganda tenets, or on the subject of the dissolution of all political parties to give way for the organization of the KALIBAPI, and other acts which culminated in the proclamation of independence and the establishment of the republic.

They could not then withdraw without appearing openly as pro-Americans, anti-orientals, anti-Japanese, and enemies of the freedom of Asia and of the independence of the Philippines, and without incurring the grave consequences that such open attitude entailed. For the Japanese not only would have imposed punitive measures upon them, but would have chosen, to take their places, other men who would prove more tractable and yielding, if not actually of pro-Japanese inclinations and turn of mind, with calamitous results for the people. "Had their services not been available," President Osmeña declared, "... the result would have been calamitous and the injuries inflicted to our body politic beyond cure."

These Filipino leaders could not have foreseen at the time they were told to serve in the provisional Council of State or in the Philippine Executive Commission that they would be eventually required to do such acts of political complexion, as this is not countenanced by international law. But one thing is the prohibition to a belligerent from doing certain acts, and quite another thing is the helpless situation of the inhabitants who are forced to obey orders which the law of nations does not allow. The Hague regulations in fact penalize a nation that violates the laws of war. "A belligerent party which violates the provisions of said regulations (with respect to the laws and customs of war on land) shall, if the case demands, be liable to pay compensation. It shall be responsible for acts committed by persons forming part of its armed forces." No penalty of course is imposed upon the inhabitants who are compelled to obey orders in violation of such regulations. It may be noted that all the prohibitions and injunctions in the Hague Regulations are addressed to the belligerent and not to the helpless inhabitants of the occupied territory. Thus it is prohibited for any army of occupation to compel the inhabitants of such territory to take the oath of allegiance to the

hostile power, but if in spite of the prohibition the army of occupation does compel the inhabitants, the responsibility is not theirs but of the belligerent.

It seems to have been laid down as a postulate by certain official quarters both in the Philippines and in Washington that mere occupancy of high positions in the governments established by the Japanese during their occupation constituted collaboration in the treasonable sense. This is the *a priori* assumption in the directives calling for a purge of collaborators in the Philippine Congress and in other positions of influence in the political and economic life of the nation. From the legal point of view—and justice can be achieved only by paying heed to the law—this is an erroneous assumption. It ignores the rights, powers and duties of a military occupant and the corresponding rights and obligations of the inhabitants of the territory occupied. It fails to consider the latter's helplessness under military coercion by the enemy and their total lack of protection from the legitimate government.

President McKinley, in his order to the Secretary of War on July 18, 1898, states that "the first effect of the military occupation of the enemy's territory is the severance of the former political relations of the inhabitants and the establishment of a new political power," and that "the powers of the military occupant are absolute and supreme and immediately operate upon the political condition of the inhabitants." And it is so because, according to Professor Hyde, *opere citato*, "the *de jure* sovereign is, during the period of occupancy, deprived of power to exercise its right as such... This deprivation of power and the relinquishment of it to the occupant are a direct effect of his achievement," and "the law of nations accepts the result as a fact to be reckoned with, *regardless of the merits of his cause*... In consequence of belligerent occupation the inhabitants of the district find themselves subjected to a new and peculiar relationship to an alien ruler to whom obedience is due. If he imposes penalties for disobedience, the law of nations is unconcerned so long as he does not violate those restrictions which it has established. Doubtless he enjoys the right to displace all forms of preexisting authority, and to assume at will, to such extent as he may deem proper, all of the functions of government. If the occupant is guilty of such abuse, and resorts to internationally illegal conduct in his treatment of the persons or property within the district under his control, the *de jure* sovereign is believed to possess a solid right to demand full reparation upon the restoration of peace." Article 43 of the Hague Regulations provides that once the authority of the legitimate power has passed into the hands of the occupant, "the latter shall take all steps in his power to reestablish and insure, as far as possible, public order and safety." Mr. Justice Ozaeta of the Philippine Supreme Court, in his concurring opinion in the Peralta case (*Peralta vs. Director of Prisons*, G. R. No. L-49), after quoting the U. S. Basic Manual of Rules of Land Warfare, says that "in a war between independent nations the army of occupation has the right to enact laws and take measures hostile to its enemy,

for its purpose was to harass and subdue the latter, and it is not bound to respect or preserve the rights of the citizens of the occupied territory under their constitution." The army of occupation may appoint its own officials for every department of the military administration and of every rank, or authorize the local authorities to continue the exercise of their functions, or retain the existing administration under the general direction of an official of the occupant army. According to Halleck, quoted by Mr. Justice Feria speaking for the Philippine Supreme Court in the Go Kim Cham case (*Go Kim Cham vs. Tan Keh* and Judge Dizon, G. R. No. L-5), such a government "is a government imposed by the laws of war, and so far as it concerns the inhabitants of such territory, or the rest of the world, those laws alone determine the legality or illegality of its acts." The foregoing on the side of the military occupant. On the side of the inhabitants of the occupied territory, Hall (*International Law*) states that "incapacity on the part of a state to protect its subjects so far sets them free to do the best they can for themselves as to render valid any bargain actually made by them." The U. S. Rules of Land Warfare provide that it is their duty "to carry on their peaceful pursuits; to behave in an absolutely peaceful manner; to take no part whatever in the hostilities carried on; to refrain from all injurious acts toward the troops or in respect of their operations; and to render strict obedience to the officials of the occupant." This is so because, as stated by Lawrence (*Principles of International Law*), "the protection and good treatment accorded to non-combatants (in enemy-occupied territory) is conditional on their good behavior; they must not perform acts of war against the invaders while purporting to live under them as peaceful civilians; an inhabitant of an occupied territory who cuts off stragglers, kills sentinels or gives information to the commander of his country's armies, may be, and probably is, an ardent and devoted patriot, but the usages of war condemn him to death, and the safety of the invader may demand his execution."

It is an accepted principle of international law, declared by the best known writers on the subject and by both the Supreme Court of the United States and the Supreme Court of the Philippines, that the power to protect is the foundation of the duty of allegiance; that therefore, when a state ceases to be able to protect a portion of its subjects, it loses its claim upon their allegiance, and they either directly pass under a temporary or qualified allegiance to the conqueror, or, as it is also put, being able, in their state of freedom, to enter into a compact with the invader, they tacitly agree to acknowledge his sovereignty in consideration of the relinquishment by him of the extreme rights of war which he holds over their lives and property (Hall, p. 467; Kluber, Sec. 256; De Martens, *Precis*, Sec. 280; Shanks *vs.* Dupont, 5 Peters, 246; II Halleck, pp. 462-464; iv Calvo, Sec. 2166); that political laws are suspended during the military occupation of a conquered territory, and as a necessary consequence of such occupation and domination, the political relations of its people to their former

government are, for the time being, severed, that is, interrupted or suspended so long as the occupation continues, and the inhabitants owe temporary allegiance to the occupant, the allegiance to the government *de jure* being temporarily suspended (*New Orleans vs. New York Mail Steamship Co.*, 20 Wall. 387, 22 U.S. L. ed. 559, citing Halleck on *International Law and Laws of War*, at p. 780, sec. 4; *Leitensdorfer vs. Webb*, 15 U.S. L. ed. 891; *The Fama*, 5 C. Rob. 106; *Shanks vs. Dupont*, 7 U.S. L. ed. 666); that, by way of historical example, the territory of Castine, by the conquest and occupation by Great Britain, passed under the temporary allegiance and sovereignty of the British sovereign; that the sovereignty of the United States over the territory was suspended during such occupation, so that the laws of the United States could not be rightfully enforced there, or be obligatory upon the inhabitants who remained and submitted to the conquerors, and the inhabitants cannot be afterwards punished for having acquiesced in the authority that has gained control over the place (*U. S. vs. Rice*, the Castine case, Wheaton's Rep. iv. 246, *Fleming vs. Page*, Howard, ix. 603, *Cross vs. Harrison*, Howard, xvi. 164; *Go Kim Cham vs. Tan Keh*, *supra*).

The following is quoted further from Professor Hyde's work:

"Possessed of exclusive power to enact laws and administer them, the occupant must regard the exercise by the hostile government of the legislative or judicial functions, as well as those of an executive or administrative character, as in defiance of his authority, except as it is undertaken with his sanction or cooperation.... In fulfilling his obligation to restore and ensure, as far as possible, public order and safety, he is given great latitude with respect to choice of means and mode of procedure. This freedom may be partly due to the circumstance that the occupant is obliged to consider as a principal object the security, support, efficiency and success of his own force in a hostile land inhabited by nationals of the enemy.... The fact needs to be emphasized that to resist the assertion of authority by the occupant is essentially unlawful. In compelling the inhabitants to give assurance, as by an appropriate oath, that they will desist from acts of resistance, the occupant is merely acquiring a pledge of obedience to the law, and one which is wholly unrelated to and consistent with the allegiance of the pledgors to their own sovereign.... It may be observed that what the occupant enacts or decrees in the exercise of its legislative power must be deemed to be the law of the place under occupation, notwithstanding the fact that it contradicts and is defiant of the will of the territorial sovereign as exemplified in its then existing legislation.... The possession by the belligerent occupant of the right to control, maintain or modify the laws that are to obtain within the occupied area is an exclusive one.... The territorial sovereign driven therefrom cannot compete with it on an even plane. It must ever be borne in mind that the law is single.... Thus, if the latter attempts interference, its action is a mere manifestation of belligerent effort to weaken the enemy. It has no bear-

ing upon the legal quality of what the occupant exacts, while it retains control. Thus, if the absent territorial sovereign, through some quasi-legislative decree, forbids its nationals to comply with what the occupant has ordained, obedience to such command within the occupied territory would not safeguard the individual from prosecution by the occupant... The right to pass upon the lawfulness of an act must necessarily be the exclusive possession of a single sovereign. Otherwise, as has oftentimes been observed, differing legal consequences might be annexed to the same act, rendering it both lawful and unlawful. The right must also, therefore, in every case, belong to that sovereign or political power which exercises control over the place where the particular act is committed."

The following passage from "Digest of International Law" (1945 edition) by the Honorable Green H. Hackworth, Legal Adviser to the Department of State, is quoted by Professor Hyde in his book, with reference to the broad rights of a belligerent occupant: "A military occupant, especially one who has conquered and subjugated a country, has supreme power over the territory occupied, and to all intents and purposes, is the sovereign during the period of occupation. The belligerent military occupant, for example, possesses an unquestioned right to regulate all intercourse between the territory under his control and the outside world."

General MacArthur probably had these principles in mind when he issued his proclamation of October 25, 1944, in which he declared "the laws now existing in the statute books of the Commonwealth of the Philippines and the regulations pursuant thereto...in full force and effect and legally binding upon the people of the Philippines," but only "in areas free of enemy occupation and control," implying clearly that as to other areas not yet free the only source of power and authority was the military occupant.

In the light of these rules and principles, the first Council of State, the Executive Commission and the Republic, established by orders of the government of Japan or by her army of occupation in the Philippines, were legal instrumentalities under international law, and the Filipinos who constituted them in obedience to such orders and pursuant to specific instructions left with them by President Quezon were not wrongdoers and were not guilty of any criminal offense. What is right and lawful for a military occupant to order cannot be wrong and unlawful for the inhabitants of an occupied territory to obey, for as declared in the Go Kim Cham case, "a law that enjoins a person to do something will not at the same time empower another to undo the same," because, as stated by Professor Hyde, "otherwise, as has oftentimes been observed, differing legal consequences might be annexed to the same act, rendering it both lawful and unlawful," to avoid which result "the right to pass upon the lawfulness of an act must necessarily be the exclusive possession of a single sovereign," the one "which exercises control over the place where the particular

act is committed," in other words, the military occupant, who, according to the Legal Adviser to the Department of State, "to all intents and purposes, is the sovereign during the period of occupation." Mr. Justice de Joya, in his concurring opinion in the Go Kim Cham case, expresses his view more explicitly in these words: "It is, therefore, evident that the establishment of the government under the so-called 'Republic of the Philippines', during the Japanese occupation, respecting the laws in force in the country and permitting the local courts to function and administer such laws, was in accordance with the rules and principles of International Law," because "the military occupant is in duty bound to establish in the territory under military occupation governmental agencies for the preservation of peace and order and for the proper administration of justice." Mr. Justice Feria, speaking for the Philippine Supreme Court in the Go Kim Cham case, states: "As a necessary consequence of such occupation and domination, *the political relations of its people to their former government are, for the time being, severed.* But for their protection and benefit, and the protection and benefit of others not in the military service, or, in other words, in order that the ordinary pursuits and business of society may not be unnecessarily deranged, the municipal laws, that is, such as affect private rights of persons and property and provide for the punishment of crime, are generally allowed to continue in force, and to be administered by the ordinary tribunals as they were administered before the occupation. They are considered as continuing, unless suspended or superseded by the occupying belligerent." (Dow *vs.* Johnson, 100 U. S. 158, 25 U.S. L. ed. 632.) It is a logical conclusion from what has been here set forth that the legality under international law of the Republic and, by the same token, of the Executive Commission and the Council of State, extends to the holding of office in those governmental agencies as well as to the doing of acts in the performance of duties incident to such office, no matter how much the establishment of such agencies, the holding of office therein or the execution of certain acts "contradicted or were defiant of the will of the territorial sovereign (the Commonwealth and the U. S. Governments) as exemplified in its then existing legislation."

These well-settled principles must have equally been taken into account by General MacArthur when, immediately before leaving Manila with the American High Commissioner and the highest Commonwealth officials for Bataan or Corregidor, he issued and caused to be published a proclamation on December 27, 1941, which read as follows:

"In order to spare the metropolitan area from the possible ravages of attack, Manila is hereby declared an Open City without the characteristics of a military objective. In order that no excuse may be given for possible mistake, the American High Commissioner, the Commonwealth Government and all combatant military installations will be withdrawn from its environs as rapidly as possible. The Municipal Government will continue to

function with its Police Powers reinforced by Constabulary Troops, so that the normal protection for life and property may be preserved. Citizens are requested to maintain obedience to the constituted authorities and to continue the normal process of business."

The text of this proclamation lends itself to only one reasonable conclusion, namely, that aside from ensuring the protection of life and property through the agencies of the municipal government, it envisaged even then the existence of a "constituted authority" other than that municipal government obedience to which, because it was the people's own, General MacArthur did not have to enjoin upon them. Considering that the Japanese forces were almost at the gates of the undefended City of Manila at the time, and that therefore its early occupation was already certain, General MacArthur must have referred to the military occupant in speaking of such authority and, familiar as he is with the laws of land warfare, in order to insure the safety of the inhabitants admonished them to maintain obedience to it, and to continue the normal process of business, which obviously was not possible in the brief, hectic interlude between the withdrawal of the American and Commonwealth authorities and the entry of the Japanese forces.

Fiction versus reality

It is a legal truism that allegiance and protection are reciprocal. And so far no American has dared to say that the Filipinos continued to receive the protection of the United States during the Japanese occupation. In fact High Commissioner McNutt has been frank enough to assert that America "failed miserably in her duty to protect the Filipino people against external aggression".

But certain Filipino sycophants, in an effort to out-American the Americans themselves, neither blush nor hesitate to proclaim the theory of continuous protection—this monstrous distortion of the truth—in support of their proposition that allegiance to the *de jure* sovereign was never suspended here during the enemy occupation. To them it matters little or not at all that Manila was declared an open city and its inhabitants thereby delivered, defenceless and unprotected, to the ruthless enemy; that our forces retreated to Bataan and Corregidor where they surrendered finally; that from the beginning to the end of the occupation hundreds of thousands of Filipinos were killed by the Japanese and countless women and children raped and butchered, and that American internees in Philippine concentration camps were tortured or starved to death and made to suffer nameless indignities. In the "legal" contemplation of this new brand of internationalists, all those victims were enjoying the continuous protection of the United States and of the Commonwealth when such irretrievable calamity befell them.

These internationalists refuse to perceive that if the American forces that liberated Manila were not able to prevent the massacre of almost a hundred thousand city inhabitants by the Japanese it was unthinkable that during the three years of unmolested enemy occupation the United States, and the Commonwealth for that matter, could extend protection from a distance of eight thousand miles.

Abad Santos, Nakar, Elizalde, Ozamis, Pirovano, Lim, Segundo, de Jesus, Ramirez, Enriquez, Baja, Vinzons, Moran, Roces, Cruz, Dumawal, De Santos, Fajardo, Bautista, Arguilla, the Escodas, and a host of other Filipino patriots and martyrs were shot or beheaded while under this newly discovered kind of protection. Some of them were killed for mere refusal to serve in the government established by the Japanese; others for their aggressive partisan activities. All of them, however, were actuated by their own judgments as to the way of serving the country and the people and not by their belief in any protection that the United States or the Commonwealth could give them at the time. They knew rather that there could be no such protection, but that knowledge did not make them deviate from their chosen path of duty. After all men have the right to differ in the election of means to serve their country, and their differences do not divide them into patriots and traitors.

Yet if with the same idea of public service (which, irrespective of the choice of means, cannot be denied even by the most bigoted), if to protect not themselves but their countrymen from the enemy's cruelty they had decided to feign cooperation, they would have been branded as traitors by our novel variety of internationalists and hounded to jail or to the gallows.

In one case the fiction of continuous protection did not save them from death; and in the other case the same fiction would now have been seized upon to send them to the same fate. Sad irony indeed!

As it is, they and numberless other Filipinos have died at the hands of the Japanese, for however attractive and convenient such a theory may now seem, it did not diminish one whit the brutal and irrevocable realities of the enemy rule; and not all the king's horses and not all the king's men will bring its victims back to life or ever make them whole again.

Patriots or traitors?—Osmeña's Leyte speech

THREE is no denying that there were a few among the Filipinos who, for reasons of their own, went beyond the ineluctable necessity imposed by the situation, to afford aid, comfort and sustenance to the enemy. Those few will undoubtedly receive what is due them. President Osmeña has promised that "every case would be examined impartially and decided on its own merits." The forces of reaction, however, would make of all those who remained in the Philippines to lead the masses of the population guilty of that most heinous crime—treason. Those who now face trial have kept their silence and in no wise entered into the spirited discussion going on. For they know in their hearts the truth about their deeds and their motivations, and are confident that after the passionate bitterness of the discussion has subsided, the question will be judged in the cold light of reason. President Osmeña himself, in his speech in Leyte on November 25, 1944, previously approved by the Secretary of War, declared:

"But in our praise of the guerrillas we should not be forgetful of the loyal civilian population that was left behind to face the ire of the invader and support the guerrillas. It was not possible for all to evade the enemy; the fate of the immense majority was to bear the manacles of enslavement. Unfortunately, this has given rise to different attitudes and actions in relation to the Japanese rule causing some misunderstandings among our people. This state of affairs has created one of the most serious problems with which our government is confronted.

"We cannot close our eyes to the realities of the Japanese occupation. It is cruel and harsh. An arbitrary government has been imposed on the Filipino people by the sword and the initial misfortune of American and Filipino arms left the majority of eighteen million Filipinos no other recourse but to submit to a despotic régime if they were to survive. Not all public officials could take to the hills to carry on the heroic struggle. Some had

to remain in their posts to maintain a semblance of government, to protect the population from the oppressor to the extent possible by human ingenuity and to comfort the people in their misery. Had their services not been available the Japanese would either have themselves governed directly and completely or utilized unscrupulous Filipino followers capable of any treason to their people. The result would have been calamitous and the injuries to our body politic beyond cure.

"The problem under consideration must be solved with justice and dignity. Every case should be examined impartially and decided on its own merits. Persons holding public office during enemy occupation, for the most part, fall within three categories: those prompted by a desire to protect the people, those actuated by fear of enemy reprisals, and those motivated by disloyalty to our government and cause. The motives which caused the retention of the office and conduct while in office rather than the sole fact of its occupation, will be the criteria upon which such persons will be judged."

The men who held high offices during the occupation and who are now charged with collaboration know to which of the three categories they respectively belong. They were, and had been for many years, among the handful of chosen leaders to whom the people naturally looked up for guidance during that critical period. It is unfair to pass hasty, ill-considered judgment upon them; nor is it easy. Even the highly emotional French, with their consuming hatred for all those who fraternized and worked with the Germans, hesitate to pass sweeping judgments on the men who stayed and worked in the Vichy government. During a debate on the issue of collaboration in France, when a Socialist assemblyman shouted an accusation against a Minister of State of the de Gaulle government, *who had helped the Vichy régime to power in 1940*, General de Gaulle himself rose quickly and angrily in defense of his Minister, and said: "With regard to the drama of 1940, there were many differences then between men and groups. I did not go to Vichy then, but many who were there believed they were serving their country in their own way. It was possible to have different conceptions of serving one's country. Today there is only one thing that counts: acts and service to the country."

The men who were picked by the Japanese to make up the Filipino participation during the occupation had been known to them long before the war as the nation's acknowledged leaders. It was natural that it was to them that the Japanese should directly address themselves, in the same manner that General MacArthur addresses himself now to the Japanese leaders. It was an entirely different matter in the case of those who did not compose the front rank in the field of politics and public administration; they could, as so many of them did, give pretexts for declining to serve in the governments sponsored by the Japanese, a declination which in fact some of them were able

to make through these very leaders, who afforded them protection from what would otherwise have been compulsory service.

At the same time, the Japanese were clever enough not to call to the government service those Filipinos with well-known pro-Japanese leanings, like Professor Maximo Kalaw, President of the Philippine-Japan Association and rabid advocate of Asiatic monroeism under Japan (the precursor of the co-prosperity sphere), General Ricarte, Benigno Ramos, and others. The Japanese knew that by leaving out these men, they would have a kind of reserve force upon which they could draw at any time, not necessarily for service in the government but in other matters highly conducive to their ends for which they could not possibly muster other men.

It was only after the lapse of two years, when they became impatient with the lukewarm and passive attitude of top-ranking Filipino officials, that the Japanese not only placed heavy military police guards on each and every important member of Mr. Laurel's government, but endeavored to set up a new extraofficial machinery among the Filipinos over and above the legitimate government, for militant collaboration with Japan. Thus the MAKAPILIS came into existence, with Ricarte and Ramos at the head of the organization. Those who were present at the official launching of the MAKAPILIS will still remember Ramos' brazen threat, hurled deliberately in the presence of the Japanese Commander-in-Chief and President Laurel, to hang in a public plaza all Republic officials, high or low, whom he should find traitorous to the cause of Japan.

Japanese methods of coercion

One need not point out the methods of coercion which the Japanese were so adept in employing. The pressure was collective, in the sense that it was not exerted on any designated individual, but it was nonetheless inexorable. As stated by President Osmeña in his recent Capas memorial address, "all the occupied area of the Philippines was Capas, a huge concentration camp where the Filipino could pit only his spirit and faith against the brutal might of the invader."

The Japanese Commander-in-Chief's announcement after the fall of Singapore was an eloquent example of the effectiveness of this collective coercion: "We have no intention of conquering any Asiatic people. The best proof of this has already been made before the steady gaze of all the countries of the world in actual deed in Manchukuo, New China, Indo-China, Thailand and other countries who had realized the true meaning of Japan's mission in the Far East. All of you Asiatic peoples must therefore realize that this is your best opportunity to achieve the freedom and independence which you have so long desired. As long as you reciprocate accordingly, the Japanese forces will help you in establishing an Asia for the Asiatics in your part of the Orient. But if you fail to understand the true and lofty purpose of Japan and instead obstruct the successful prosecution of

the military activities of the Imperial Japanese forces, whoever you are, we shall come and crush you with our might and power, and thus compel you to realize by means of force the true significance and meaning of our mission in the Far East."

An appropriate comment on the foregoing words expressed by a haughty and unopposed conqueror is the following passage from the book entitled "Military Government and Martial Law" by Major Birkheimer of the United States Army, perhaps the most authoritative work that has ever been written to this date on the subject:

"There is no mystery regarding the foundation upon which the duty of temporary allegiance rests. Upon this point the language of the Supreme Court is very emphatic. When the regular government is driven out and no longer can secure the people in those rights which government principally is instituted to maintain, their allegiance is for the time in abeyance, and, in a modified form, is transferred to that government—even though it be founded on overpowering adverse military force—which can and does, either wholly or partially, secure them in those rights. Nor does it signify that the inhabitants *do not by visible signs join with their military ruler in arranging the details of his government.* Their covenant is implied; but it is none the less binding because *it consists in silent acquiescence in the new order of things.* What the conqueror does from generosity is in derogation of his strict rights. And whatever may be his motives, *the result is apt to be far more beneficial to the conquered than to himself.* He is dictating, they accepting, terms. Happy their lot that he is thus willing to concede to them many immunities from the hard fortunes of war. From any other than a humanitarian view *it is matter of indifference to him whether or not they are protected in their rights of life and property; to them it is a matter of vital importance.* He is there to enforce his will and is able to do it; *they must accept what he offers.* By remaining with *their property in territory which he alone governs, they impliedly, under the laws of war, accede to his terms; and while they live under his rule and receive the benefits of that law and order which he institutes and maintains, they owe to him that transient duty of obedience which is called 'temporary allegiance.'*

"Nothing could be more disastrous to the interests of inhabitants of occupied territory than for them to be made to believe that the invader is there by sufferance, and has no rights which they are bound to respect. *They are not in a position to assume such lofty ground.* To do it is simply to court disaster. Of this they may rest assured: *the military government, if need be, will enforce obedience.* If the people—their regular government evicted—proceed toward the invader as if he were a mere intruder, whom they may treat with contumely, *they will probably have cause to regret their presumption.* It may cost millions of

dollars, the devastation of fair provinces, the destruction of flourishing towns, and many hundred lives to bring them to a realizing sense of their error, but the experience will be theirs, and one which they will not wish repeated. What evidence the incidents of the Franco-German War of 1870-71 bear to this fact! Yet, that was the 'contest of force' conducted between the most refined, enlightened nations...

"Equally unfortunate in its effects, if it be acted upon, is the proposition that the vanquished State retains, with reference to inhabitants of occupied territory, the rights of sovereignty in all its plenitude, and that they must obey its mandates. This is purely chimerical. They are under no obligations to recognize the authority of a State which can only command their services without the power to protect them if they obey. To do this is but to invite severest measures of repression on the part of the military governmental authorities."

***The Filipino leaders could not abandon
the people to their fate during the
ruthless enemy occupation***

SOME would say that these leaders were opportunists who desired power and distinction in being in the government at the time, which could not but be the puppet government that it was. But most of these men were known for their discernment, wisdom and experience. They knew, better than most, the true implications of Japanese domination; they knew that there was neither glory nor power in their positions, and that in terms of material returns, staying out of the government certainly would be for most of them more profitable. Indeed, at no time in the history of the country was employment in the government service so fraught with real sacrifice and risk and so viewed with suspicion, that those who managed to stay out of it had every reason to congratulate themselves and thank their lucky stars. But it was pre-ordained that the acknowledged leaders of the country had to remain in their posts, and those who did, true to their names, saw a point and a purpose in thus staying, namely, to be in the service of their people in the most trying days of their national existence. They felt it hardly patriotic to beat it to the woods, to balk and back out, to rest on their oars when the going got tough and their countrymen needed most their guidance and protection and counsel. For they knew that it was just a matter of time, just a matter of a little more painful waiting, as they were confident, like everybody else, that the United States, no matter how hard and rough the going might become, would eventually uncoil herself and strike back to ultimate victory. They knew that their lip-service to the Japanese cause and their apparent willingness to give what Japan could and would have taken anyway would not detract an iota from the fighting strength of the United States, while actually they meant for the people the difference between extinction and survival until the day that strength could sound their liberation. For, as expressed by one of Mr. Laurel's ministers when

they were inducted into office, if the nation be lost, everything would be lost with it, including those who believed themselves secure in their retirement and abstention.

Perhaps these men, now ignominiously dubbed collaborators by a vocal few of our people, found inspiration and guidance in the words of Rizal, spoken by old Tasio, the Sage, to young Ibarra. "Why can we not do as that weak stalk laden with flowers and buds does?" asked the Sage, pointing to a beautiful jasmine plant. "The wind blows and shakes it and it bows its head as if to hide its precious load. If the stalk should hold itself erect it would be broken, its flowers would be scattered by the wind, and its buds would be blighted. The wind passes by and the stalk raises itself erect, proud of its treasure, yet who will blame it for having bowed before necessity? There you see that gigantic *kupang*, which majestically waves its light foliage wherein the eagle builds its nest. I have brought it from the forest as a weak sapling and braced its stem for months with slender pieces of bamboo. If I had transplanted it large and full of life, it is certain that it would not have lived here, for the wind would have thrown it down before its roots could have fixed themselves in the soil, before it could have become accustomed to its surroundings, and before it could have secured sufficient nourishment for its size and height. So you, transplanted from Europe to this stony soil, may end, if you do not seek support and do not humble yourself. You are among evil conditions, alone, elevated, the ground shakes, the sky presages a storm, and the top of your family tree has shown that it draws the thunderbolt. It is not courage, but foolhardiness, to fight alone against all that exists. No one censures the pilot who makes for a port at the first gust of the whirlwind. To stoop as the bullet passes by is not cowardly—it is worse to defy it only to fall, never to rise again."

The philosophy expressed above by Rizal's old Tasio, projected into the realities of military occupation by a conquering enemy, finds its counterpart in the language of Major Birkheimer of the United States Army ("Military Government and Martial Law", p. 60). Speaking of the theory of temporary allegiance as indicating the relation of the inhabitants (of the occupied territory) to the military government, this author says:

"The condition is one of fact. The conqueror, not the vanquished, is dictating terms. His extreme rights under the customs of war are very severe... Every great war of even the last quarter of a century, to say nothing of former ones, has furnished numberless instances of this. Until recently this enforcement of extreme rights was the rule. Now, as a condition running *pari passu* with the abatement on the part of the conqueror from his extreme rights under the customs of war, the people of the country impliedly covenant that they will not pursue a line of conduct or enter into military combinations prejudicial to the mili-

tary interest of the conqueror whose forbearance they accept. Call this implied covenant, prayed for by the conquered and their interested advocates, 'temporary allegiance,' 'mutual engagements,' or what not, the name does not change the fact."

They went beyond the call of loyalty

For an impartial appraisal of the collaboration issue it is necessary to pry open the lid which covers the acts that, out of the public eye, the so-called political collaborators did to help the United States and to keep the morale of the Filipino people from breaking.

Under international law, which recognizes the reciprocal nature of allegiance and protection and imposes upon the inhabitants of an enemy-occupied territory the obligation to render strict obedience to the occupant, and which gives validity to whatever bargain they find it necessary to make with the enemy by reason of the inability of their government to protect them, the Filipino leaders who were left here would have been justified if they had simply served in the governments established by the Japanese and complied with the latter's orders unqualifiedly and to the letter. For legally speaking their allegiance and obligations to the United States and to the Commonwealth Government were suspended and their loyalty did not demand of them to do otherwise. And as a matter of fact, they were under instructions of President Quezon—the veracity of which has been certified by American correspondents—"to make what bargains they had to with the Japanese and to protect the people from Japan's brutality and avarice." Yet, they not only did not renounce their allegiance but went beyond the call of loyalty and placed as many obstacles as they could to the Japanese war efforts and helped in diverse ways the American cause, to the extent of committing acts which the United States Rules of Land Warfare would call "war treason" or war crimes against the government of the military occupant.

Effective aid and support to the resistance movement

Not unknown to many Filipinos and even to some Americans was the connection of most of the members of the Philippine Executive Commission and of the Laurel government with guerrilla organizations, particularly with their intelligence men. Monetary contributions, medicines and valuable military information kept a steady flow from one side to the other. Without the direct and indirect protection of the high officials in the government it is doubtful if the underground resistance movement could have thrived so well. For they knew who the guerrillas were and what they were doing. They knew too that almost all of the employees under them were in one way or another connected with the resistance movement. When a minister of the Laurel cabinet wrote a memorial recounting and protesting against the Japanese atrocities and abuses and portraying the republic as a sham, ostensibly as a confidential communication to certain high Japanese

officials in order to lull the suspicion of the Japanese army, particularly the military police, but in reality as anti-Japanese propaganda for the people and the resistance forces, the centers of distribution of copies of the memorial were the courts and other government offices. Certainly all this would not have been possible under a government headed by collaborators. Many American internees can testify to the assistance they received, not only in the form of money sent to them in secret but also in efforts openly made to have the sick and infirm among them released from the concentration camps. Guerrillas were encouraged and strengthened by the knowledge that the high officials were with them, so much so that whenever they were arrested by the Japanese, their families would seek the intercession of Mr. Laurel and his ministers, and if the latter's efforts for their release were not altogether successful, at least material help was extended to their dependents, especially in the needy cases.

Filipino leaders helped to strengthen the loyalty of the masses—Military conscription would have thrown the whole country into a bloody revolution and resulted in wholesale massacre of Filipinos

THESE Filipino leaders, if they were really collaborating with the Japanese, would have yielded to the pressure brought upon them to conscript the Filipino youth into the Japanese forces or into a Philippine Army to help the Japanese. The Burmese had done just such a thing, under Ba Maw's "War First" slogan, and had raised a sizable army to fight on the side of Japan. Or like the Indonesians under Dr. Soekarno, they would have utilized such a force, irrespective of the defeat of Japan, to offer resistance to the return of the Americans and earnestly defend the integrity of the republic which the Japanese had established. It is, however, their misfortune that seemingly on account of their loyalty they have not received the same respect that both the Americans and the British accorded to Dr. Soekarno and his intransigent Indonesian nationalist army.

It would be said of course that any attempt on the part of these Filipinos to conscript an army would have been unsuccessful, considering the loyalty of the masses of the people. But this is in a way begging the question. These Filipino leaders not only did nothing to weaken that loyalty, but directly and indirectly helped to strengthen it. Most of these men—the members of the Council of State, of the Philippine Executive Commission and of the Laurel government—were highly educated, and not only seasoned politicians possessed of the technique of a successful approach to the masses of the people, but also acknowledged trusted leaders of the people for over a generation. The bulk of the people looked up to them. It was in fact in emulation of the spirit of sacrifice of these leaders that thousands of government personnel returned to their jobs. If they had really wanted to support the Japanese, as they are now accused of having done, they could have swayed by intense, earnest propaganda a considerable

portion of the country. One has only to look at the example of Benigno Ramos—a common demagogue, without any background of education, culture or political experience—and see how almost single-handed and in spite of the vigorous if secret efforts of the Laurel government to thwart him, he was able to organize his GANAPS into a military force twenty-thousand or more strong, protected and armed by the Japanese. It would seem plain to see that if these Filipino leaders then had in fact desired to aid the enemy, they could have organized an army a hundred times more imposing than Ramos' GANAPS. But they did none of these things, because they never foreswore their loyalty and allegiance to their own country and to the United States and because they could never reconcile themselves with the barbaric ways of the invaders. They knew that, being loyal to their own country, they could not be disloyal to the United States. They knew that the history of the Philippines is linked with the best traditions of the American people, and that its future was predicated on further assistance by and continuous association with the United States. That is why they did not do what they could and would have done if they had really desired to aid the Japanese, but on the contrary, they did everything possible under the difficult circumstances in which they were to help the cause of liberation.

In any event, granting that on account of the loyalty of the masses conscription of Filipinos into the Japanese army or into a Filipino army to fight with the Japanese would have been a failure, yet it must be admitted that had Mr. Laurel issued an order for military conscription, the carrying out of such order, by no other means than force to be actually exerted by the Japanese army because of that very loyalty of the masses, would have thrown the whole country into a bloody revolution, the relentless repression of which by the Japanese would have resulted in a wholesale massacre of the Filipinos.

What would have happened had these leaders refused to serve

Another possibility still, if these Filipino leaders did not have the welfare and safety of the people foremost in their consideration, would have been for them to refuse service in the government, supposing that they could have done so, and leave that government to be organized and administered by Ramos and his followers, who did so well as fifth columnists before and during the first stages of the war and as an integral part of the Japanese forces later on. This renegade group would have been aided in its task by other pro-Japanese elements, like General Ricarte. In fact, even after the Philippine Executive Commission was organized, and after the Laurel government took over, Ramos and Ricarte never ceased their activities and intrigues, encouraged by young officers and some junior generals and admirals of the Japanese army and navy, with the end in view of executing a coup d'état and securing for themselves the reins of government. It is perhaps not generally known that on one or two occasions they almost

succeeded in their scheme, if it had not been for the timely warning given by one who seemed to enjoy the confidence of Mr. Laurel and of Ramos' organization. In the end, they succeeded to a certain extent when the Japanese took Laurel and his ministers to Baguio. If they had been left from the beginning to set up the kind of régime of their own choosing, then indeed Filipino aid and adherence to the enemy would have been effective, and the misery and suffering of the people would have been multiplied a thousandfold.

Faith in America's sense of fairness

The men who prevented these dire possibilities do not care for reward or gratitude. All that they ask and expect as due them is fairness. They knew from the beginning that theirs was a thankless task, which the people expected them to do, on the strength of their long record of honest, efficient and unquestioned leadership in the public service. But they think that they have a right to the just and understanding attitude of the American people. They believe that those of their countrymen who alone are in a position to know and appreciate the events and conditions here during the occupation should be allowed as far as possible to judge for themselves the issue of collaboration, without the least hint of pressure from the American government.

Washington directives, although given with the best of intentions, far from clarifying the issue, have had the effect of confusing the Filipino people, if not of actually sowing the seeds of dissension among them. If the United States must give the Philippines aid for relief and reconstruction, as by all moral and legal rules she is bound to do, let it be because of her consciousness of that duty and her solicitude for the welfare of our people, and not as a reward for their mutual bickerings and dissensions. Otherwise the price that the Filipinos have so dearly paid for their liberation and for the peace which they hoped would follow would be in vain.

Roosevelt's directive and its interpretation and implementation

After all, the declaration made by President Roosevelt in 1945 that certain Filipinos should be removed from positions of influence in the political and economic life of the country was not and could not have been intended by him to exclude them altogether and for all time from such positions. President Roosevelt envisaged the liberation of the Philippines before the victorious termination of the war with Japan, precisely as a necessary intermediate step toward that end. He must have foreseen at the time that the period between the liberation of the Philippines and the final victory in the Pacific against Japan would be more or less protracted, because the rapid complete collapse of the Japanese naval forces, the atomic bomb and other factors were not then a certainty. In that interlude, it must have been his opinion that for military reasons and so that nothing might con-

ceivably interfere with the successful prosecution of the war against Japan, with the Philippines as the American operational base, it would be necessary to neutralize the political and economic influence of those who, from superficial indications, collaborated with the Japanese.

In principle, the policy enunciated by President Roosevelt was sound. In the first place its purpose, that of military security, was unassailable. In the second place, he must have believed that the Filipino leaders, or some of them, were really collaborating with the enemy, because except for the distorted Japanese propaganda which falsely pictured, for purely Japanese ends, the existence of complete harmony between them and the Filipinos, the Philippines was completely blacked-out from the rest of the world. The underground resistance forces themselves who were in constant contact with America might have been laboring, at that time when the Republic had just been organized, under a misapprehension of the acts and real motivations of those Filipino leaders; or more probably, they were perfectly aware and were convinced of the loyalty of most of them, yet purposely did not relay the truth to the Americans in the United States in order to protect those loyal leaders from Japanese ire if the truth were told or found out.

In any event, it is preposterous to assume that President Roosevelt intended, without more reliable evidence at hand, to interdict the Filipino leaders under suspicion perpetually from the political and economic life of the Philippines. In its relations with the United States this country was, as it is now, on the eve of its independence, and in fact, according to President Roosevelt himself in his message to Congress on October 6, 1945, "the United States, in practice, regards the Philippines as having now the same status as the governments of other independent nations—in fact all the attributes of complete and respected nationhood." Such interdiction of the Filipino leaders by virtue of an American executive fiat would therefore be of doubtful legality and practicability, aside from being entirely undemocratic and un-American.

It is significant that President Roosevelt did not mention treason or disloyalty to the United States or to the Philippines. It is possible that in his heart he was convinced of the sad and terrible plight of the Filipino people and the necessity for whatever they had to do in order to survive. Perhaps he was aware of the legal implications of the military occupation of the Philippines by the enemy. At any rate, he was not concerned with the question of treason, as it must have been his opinion that whether or not treason was committed in certain instances would be for the Commonwealth Government to decide and judge as soon as it could be reestablished here. His declaration was issued only to insure as much as possible the prosecution of the war against Japan and the safety of the American forces. It was therefore from the point of view of American military operations alone that

he considered it necessary to remove from positions of political or economic influence those Filipinos against whom there was any suspicion of having collaborated with the enemy. For indeed, whether or not they were guilty of treason, whether their motive was in reality to protect the Filipino people, whether under international law they were not only justified but in duty bound to do what they did under the inexorable circumstances brought about by the enemy occupation, still while the war was going on they should not be allowed to occupy such positions of influence as might somehow interfere with the American war effort in the Philippines, if not actually at least in the sense that it might be exploited by the enemy for propaganda purposes. Even if they were not chargeable with treason, their innocence was immaterial in that connection.

It was in contemplation of President Roosevelt's statement that General MacArthur issued the following proclamation on December 29, 1944, after the retaking of Leyte:

"WHEREAS evidence is before me that certain citizens of the Philippines voluntarily have given aid, comfort and sustenance to the enemy in violation of allegiance due the Governments of the United States and the Commonwealth of the Philippines; and

"WHEREAS military necessity requires that such persons be removed from any opportunity to threaten the security of our military forces or the success of our military operations;

"NOW, THEREFORE, I, Douglas MacArthur, General of the Army, United States Army, as Commander-in-Chief, Southwest Pacific Area, hereby do publish and declare it to be my purpose to remove such persons, when apprehended, from any position of political and economic influence in the Philippines and to hold them in restraint for the duration of the war; whereafter I shall release them to the Philippine Government for its judgment upon their respective cases."

It is quite clear therefore that the removal of those suspected of political collaboration from positions of political and economic influence was dictated by military necessity, and was expressly intended to last only for the duration of the war.

The actual implementation of President Roosevelt's declaration, however, went beyond the limits that he intended. For certainly removal of certain persons from positions of influence could not mean their apprehension and confinement; and yet, when the Filipino leaders passed over to the American lines after escaping from the Japanese at the risk of their lives—not apprehended in the sense of General MacArthur's proclamation—they were held in custody and banished to a distant penal colony.

But now that the war has ceased and the reasons of military security which alone must have prompted President Roosevelt to issue his statement no longer obtain, it seems idle and unjust to use it as argument for insisting that the Filipino leaders during the Japanese occupation should not and cannot take part in the great political and economic issues affecting the nation today, notwithstanding the fact that their cases have not yet been judicially decided and in almost all instances charges against them have not even been presented. The position to this effect taken by some quarters, both in the Philippines and in the United States, stretches the statement of President Roosevelt on the question of collaboration far beyond what he intended. It ignores and violates the basic declaration of the American Congress in its Joint Resolution of June 29, 1944, that "the Government of the United States has solemnly guaranteed to the people of the Philippine Islands the right to be completely free and independent and to select, by a free ballot, *without any kind of inducement or coercion whatsoever*, those who shall hold the elective offices in such government and exercise the power and authority thereof, which solemn guarantees have been temporarily made impossible of fulfillment due to the wantonly treacherous and surprise attack on the free people of the Philippine Islands."

Products of democracy—Will not break faith with old loyalties

The circumstances under which these Filipino leaders branded as collaborators rose to prominence in public life may conduce to a clearer understanding of their real convictions. They are men reared in the atmosphere of democracy and freedom—the very things for which America stands and fought. On the other hand, they knew that Japan was a semi-feudal, war-like nation steeped in traditions which no Filipino could appreciate or comprehend. Even the most backward among our people felt that their way of life was much better and superior to the near state of slavery of the Japanese soldiers. The disastrous results of the Japanese campaign to spread their culture and language here bear witness to this fact. These leaders were mostly common men who attained national prominence under the favorable conditions which only democracy can render possible—conditions brought about by American sovereignty and with American guidance and instruction. They were, as are all Filipinos, ardent believers in the four freedoms enunciated by President Roosevelt. They had come to adopt American ways of living and of thinking, and adhered to the best of American principles. They were familiar with the American policies in the Philippines, and by contrast, with the Japanese policies in Korea, Formosa, Manchuria and China. Some of them had been particularly assiduous students of world affairs and foresaw, as early as 1927, the calamitous consequences for the Philippines of a Japanese Monroe Doctrine—a foresight that was borne out in every detail during the

years that followed in Japan's conquest of the different countries of East Asia. They had been making strong pronouncements against Japanese economic penetration in the Philippines and condemning those few Filipinos who trafficked with their citizenship to become dummies and stooges for Japanese enterprises. They were witnesses to Japanese abuses and brutalities from the very first day of Manila's occupation. They knew, if we may repeat this statement, that there was neither power nor glory in holding official positions under the Japanese régime. That these men should in so short a time callously turn their backs on all the things they believed in and embrace all those that they abjured is something that common sense finds quite hard to accept.

**Differences in points of view between
Americans and Filipinos on the
question of collaboration**

FOR three and a half years under the Japanese rule the Filipinos suffered a living death. They came to expect that each day would be their last upon this earth. They went through nameless tortures and indignities. Hunger was to them a physical, gnawing pain, to which hundreds succumbed daily in the streets, in the internment and prison camps, in the filthy dungeons of the military police. The American planes that began to come in September 1944, sweeping and irresistible, caused damage to civilian properties and casualties among the people. Later, more of them were to meet death on the beaches bombed and shelled by Americans, in contested areas in the path of their advancing forces and, finally, in the terrible holocaust that reduced Manila and other cities and towns into rubble and ashes. Still, the Filipinos kept their faith. For their loyalty to the United States they paid the supreme price in countless innocent men, women and children abused and butchered by the Japanese, in thousands of homes destroyed; but even that was not too much to pay for redemption and, they hoped, for the peace that was to follow.

However, it seems that peace and concord are not for them. Openly or behind the scenes, forces are selfishly at work pulling wires that may plunge the country into more suffering and more misery. Now that the Filipinos need more than ever to be united, they hurl accusations and recriminations against one another, the bitterness of which is in no way assuaged by the American leaders who, having expressed concern for their present situation, should be among the first to deplore the existence of internal dissension here. These men against whom principally the accusations are made have so far kept their silence. In their hearts they still preserve the solicitude that, during all their years of public service, they have felt for the country and for the people; and in the spirit of true leadership that those years have instilled in

them, they did not wish to make matters worse by accepting their accusers' challenge to a public discussion, which would be unavoidably fraught with passion and prejudice.

Those who alone can pass judgment—It is easy to defy the enemy if one is thousands of miles away

They have unquestioning faith in the judgment of their countrymen who remained here with them under the Japanese rule and saw at first hand their acts and inner motivations. The man in the street, the humble farmer in the field, the employee in the government, the true guerrilla who fought and suffered a thousand hardships not because of ambition for personal glory and post-liberation political power, but because of pure desire to help the American cause; yes, the American prisoner of war and civilian internee—these are the ones who are in a position to pass correct judgment upon these leaders, because together they inseparably underwent, bore the brunt of, and pulled through three long years of Japanese hell on earth. Not those who were able to escape abroad to engage in profitable undertakings or who fled to the mountains not to fight the enemy but for reasons of personal safety, and lived there in comparative comfort and ease of mind, coming out of their self-exile and hiding enriched and acclaimed as heroes and superpatriots, only after the Japanese had all but surrendered to the returning victorious American armies. And certainly not those who are without that virtue of humility which is the beginning of wisdom—those pharisees who themselves served in the two puppet governments and their instrumentalities if only in a subordinate capacity and then retired when they found that the buy-and-sell mart was more profitable, and now appear, after the Japanese have been driven out, in heroes' and patriots' clothing, because in their peacock's vanity they fail to perceive that they too have feet of clay.

At this juncture, it seems opportune to remind ourselves of the words of a French physician, a member of the French underground, to Demaree Bess, who quoted the statement in his article "Which Way Will France Go?" appearing in the *Saturday Evening Post's* issue of November 18, 1944: "Frenchmen who lived abroad came back here with preconceived notions about so-called collaboration, notions which are now being altered. It was easy, in New York or London, to be openly defiant of Germans, and it was tempting for the *emigres* to be self-righteous when they first returned home. But as they talk with those of us who stayed here, they are beginning to understand better what it meant to live under German occupation. The overwhelming majority of Frenchmen never left France, and their judgments about who were and who were not collaborators are beginning to prevail."

The American point of view

Washington high officials and the rest of the American people who throughout the war remained in the security of their homes thousands of miles away cannot begin to appreciate the utter misery and

defenselessness of the Filipinos in the face of the unexampled brutality and lack of principle of the Japanese conqueror. They cannot truly understand the bargainings, the evasions, the temporizings and the show of apparent cooperation with which the Filipinos had to placate the ruthless invader until America could organize and bring back here her mighty armed forces. At best, the American point of view with respect to the Philippines could not but be purely objective, so much so that according to Admiral Richardson, former Pacific Fleet Commander, in his recent testimony before the Pearl Harbor Investigating Committee, President Roosevelt told him in 1940 that he (the President) doubted whether the United States would enter the war even if Japan attacked the Philippines, but that the Japanese could not always avoid making mistakes. That mistake was the attack on Pearl Harbor.

At the hearings before the Congressional Committee investigating Pearl Harbor it has been disclosed that in the high command conference held in February 1941, General George C. Marshall, then and until recently Chief of Staff, made the following statement: "We really have two active defense issues—the Panama Canal and Honolulu. They are the two great outposts of our defense. We have some troops in the Philippines but the Philippines are so weak they could not be defended against any first class power. *They would have to be sacrificed.*" General Marshall testified also before the committee saying that "he knew of no agreement before the war committing the United States to war unless she was attacked."

After these meaningful revelations, paradoxical though it may sound, we Filipinos should feel happy that the Japanese made the mistake of attacking Pearl Harbor. That mistake decided the fate of Filipino democracy and civilization. Had the Japanese attack been directed against the Philippines alone, the Filipinos, out of their loyalty to America, would probably have been in the tragic situation of fighting America's war without America even being a belligerent. That, as the Americans would say, would have left the Filipinos hanging out on a limb. And with America out of the war, the Philippines, after a futile resistance which could have lasted months only, would have been definitely incorporated into the Japanese empire, not even as an ostensibly sovereign member of the co-prosperity sphere, because such propaganda stunt would have been superfluous, but as a mere colonial possession like Korea and Formosa.

But Pearl Harbor was attacked and America entered the war. It was not America, however, but the Philippines that became the gory battlefield of the war, and for over three years was virtually converted into one big prison camp. It was not American cities that were destroyed, American homes burned, fields laid waste, food supplies confiscated, private belongings looted, population decimated by the action of the ruthless enemy. No American in the United States was deprived of his home and thrown into the street; or ever lived in stark, abiding fear of the Japanese spy and military police; or found himself

between "non-cooperation" and the enemy torture-chamber; or felt the sting of a slap in his face, the cold steel of a bayonet in his entrails, the pain of burning flesh, or any of the countless torture methods employed by the Japanese. It was only natural that the primary concern of the United States should be to win the war and to save as many American lives as possible in the process. The retaking of the Philippines was not an end in itself but part of an overall strategic plan. And when it came to the final execution of that plan, the objective approach toward the plight of the Filipinos had to be maintained, even at the cost of almost completely obliterating Manila and other cities and towns and killing thousands of civilians as a result of the intense bombing and shelling.

The Filipino point of view

On the other hand, the Filipino leaders who were left here during the occupation could not, for the very reason that they are Filipinos, adopt the same detached attitude toward their country. They had to tax their ingenuity and make the most of their practical wisdom to meet the grave implications of the enemy invasion and occupation, in the face of the defenselessness and bewilderment of the people. They had to feign cooperation and pretend to play into the hands of the wily enemy because the latter was not only suspicious but already convinced that the Filipinos were just waiting for the opportune moment to strike back. True they wished, as fervently as did the Americans themselves, an American victory. But at the same time, while they could not plan to bring about that victory they had to face perplexing problems that were immediate and no less urgent. While their faith in the ultimate triumph of American arms never faltered, they had to plan not for a month or two of enemy rule but for a protracted period that might well drag for many years. For America was, by her own admission, hopelessly unprepared, and the prodigious scientific achievements and productive power that were to turn the tide eventually in her favor were not then reasonably foreseeable in the near future. In the midst of those terrible realities this handful of Filipino leaders was entrusted with the task of looking after the well-being of their own people and trying to save the country from abject misery, even possible extinction. How well and effectively they went about that task, only those whom they served are competent to judge, not those in whose very selfishness the enemy found comfort and assistance. President Osmeña himself, in his Leyte speech, said that there were those among the men who held public office during the Japanese occupation who were prompted by a desire to protect the people and comfort them in their misery, and to prevent the Japanese from governing directly and completely or utilizing unscrupulous Filipino followers capable of any treason to their people.

So, while the Filipinos who headed the government under the Japanese occupation, intent as they were upon speeding up the liberation of the Philippines, were exultant over the formation of guerrilla units, because these meant so much to the American war strategy,

they could not, on the other hand, feel so happy when the unwitting exploits of some of the guerrillas brought about reprisals and death to whole communities of innocent people. And while the Americans, unaware of the real nature and character of the events here, could close their eyes to the countless robberies, rapes and murders committed by lawless elements in the name of the resistance movement but really prompted by lust and personal vengeance, if not from motives of banditry pure and simple, these Filipino leaders could not so callously ignore them but, being powerless to repress them effectively, at least had to morally condemn them, because such horrible crimes and abuses had for their victims thousands of Filipinos and in the end weakened the power of resistance of our people against the common enemy.

The conduct and actuations of the Filipino leaders can-not be judged by standards of post-liberation thinking

Some would say that for all their good intentions the efforts of these Filipino leaders were of no avail, as they were not able to prevent the enslavement of the people. Considering the implacable enmity and bitter resentment between the Japanese and the great masses of the people, which was daily coming to a crisis, and the deep distrust professed by the Japanese toward the Filipino officials, it is doubtful whether any group of men could have done better in the interest of their people. It is a matter of public knowledge that there was at the time a current saying among the Japanese to the effect that with the exception of Ricarte and Ramos and their followers, the Filipinos were ninety-five per cent pro-Americans and five per cent liars. Under those circumstances their efforts to protect the people could not meet with eminent success. But that fact does not make them criminals; and it is unfair to judge their actuations at the time, when the nation was dazed by defeat and everything was chaos and confusion, through the perspective of victory and by the present standards of post-liberation thinking. They started with hopefulness in the efficacy of what they had expected to do, but they could not then know the relentless character of Japanese bestiality and double-dealing they had to put up with later on, and which progressively became worse as the Japanese realized more and more the hostility and double-crossing tactics of the Filipinos, officials and masses alike. At any rate the events of the last two months of the occupation have shown that if there had been no pretense of co-operation the indiscriminate slaughter of the Filipinos would have been carried out from the beginning and there would have been only a handful of them left to liberate in the end.

What would the Americans have done?

It would be interesting, from the academic point of view, to know what would have happened if the Japanese had pressed their initial success at Pearl Harbor and actually occupied Hawaii or some part of the American mainland along the Pacific coast. Would the Americans in those places have shown an absolutely uncompromising stand

and resisted the enemy to the last unarmed and defenseless man? Or while biding their time would they have also temporized and bargained for terms that would give them at least a reasonable chance of survival? The Americans in the Philippines, both soldiers and civilians, who surrendered to the Japanese or were captured or interned, did exactly this. Self-preservation, individual or national, is an instinct common to men of all races and to all countries of the world.

If the war had been between the Philippines and Japan as the principal belligerents the Filipinos would probably have found some measure of protection in that very status. But the war was between the United States and Japan, and the Philippines became involved only because it was under American sovereignty. It was a situation that was exploited to the fullest extent by the Japanese and made the basis of their propaganda that the Filipinos were not their enemies but brother Orientals whom they had come to free. At the same time it was used to justify the measures of coercion and punishment they employed, because if the Filipinos were not enemies they could not plead their pro-Filipinism as an excuse for openly refusing to cooperate with the Japanese. Such refusal meant, in the Japanese eyes, only one thing—sympathy for and attachment to the Americans, and this in turn meant certain torture or death.

Not only the Americans in the Philippines at the time of Pearl Harbor but also the Filipinos were a sacrifice to America's unpreparedness

The problems thus faced at the time by these Filipinos now accused of political collaboration were, from the subjective point of view, much more difficult than those faced by the Americans who were concerned exclusively with the conduct and strategy of the war. The difference is so patent that one is led to wonder whether American public opinion, as represented by Washington officials and certain sectors of the American press, is perhaps unconsciously fortified in its condemnation of these so-called political collaborationists by the belief that the moral fibre of a Filipino is weaker than that of an American, so that where one would be betraying his country by certain acts under a given situation the other would be incapable of intending such betrayal by similar acts under a similar situation. Nothing else can explain why those brave American soldiers who surrendered to the Japanese in the Philippines and who were forced to make statements plainly pro-Japanese or tending to give comfort to the enemy, should be lionized and acclaimed as the heroes they really are, while the Filipinos who were forced to make similar statements are now accused of having given aid and comfort to the enemy and are condemned in the eyes of the world even before they are accorded a trial. There is somewhere the purpose of exacting a higher measure of loyalty from the Filipinos than from America's own nationals. No other explanation can be conceived of why General Wainwright, and the other American generals and officers under his command, for instance, were, as President Truman said, a sacrifice to America's state of unprepared-

ness, while the Filipinos who perforce had to deal and bargain with the Japanese on account of that very unpreparedness should now be called traitors. While it is true that these Americans were prisoners of war, from the standpoint of freedom to act, both they and the Filipinos were not free agents; they were both under pressure, taking orders from the erstwhile conquerors. In a sense the pressure exerted on the Filipinos was greater, because while an American could not be properly requested to make a pro-Japanese or an anti-American statement, a Filipino who would decline to make not an anti-Filipino but a pro-Japanese or an anti-American statement would appear in the eyes of the Japanese as pro-American and, therefore, an enemy of Japan.

The conduct of the Filipino leaders should be examined in the same light as that of General Wainwright and other gallant American officers

“**T**O put a stop to further useless sacrifice of human life...”—so opens the text of General Wainwright’s surrender on May 7, 1942. “The decision on my part,” it continues, “was forced upon me by means entirely beyond my control.” Addressed to General Sharp, it was relayed to the different commanders in the field, and in the message of one of them to “all Filipino officers and men,” it was stated that failure to surrender would be classified as desertion by the United States and Philippine Governments, punishable with death, but that compliance with the said orders “will save your honor and your life and assure the safety of your family and friends.”

Besides broadcasting his general order of surrender General Wainwright directed General Francisco, Col. Pugh and Lt. Silhavy to proceed to Legaspi, carrying with them for distribution printed copies of said order, along with a shorter one, which he had Francisco sign, in the following words:

“To any Constabulary officer:

“The undersigned Chief of Constabulary upon instructions from Lt. Gen. J. M. Wainwright, U.S.A., senior American officer in the Philippines, is now in Legaspi to transmit to you an order of surrender to take effect immediately. You are hereby ordered by me that upon receipt of this message to send a representative to Legaspi, Naga, Labo or Sorsogon, whichever is nearest to you, where I shall proceed to meet you.

“The safety of your fellow-countrymen will be jeopardized if you do not carry out these instructions.

“Your representative will be protected by the Japanese Army. Send him under a flag of truce and there will be no danger to his person.”

This mission produced the desired result, bringing about the surrender of constabulary forces in Palawan and in Legaspi.

In Formosa later, General Wainwright allegedly made another forced statement—that “Japan was attaining a position which can hardly be reduced by any power or powers of the world;” that Japan’s idea of a co-prosperity sphere was “a dream come true;” and that “it is quite natural for Japan to head East Asia and the United States the new world.”

Lieutenant-Colonel Hugh Straughn, guerrilla chieftain in the Philippines, soon after his capture by the Japanese said that he regretted having been the cause of so much misery and suffering among the people, and that if he had means of getting word to his followers, he would tell them to come out of their hiding places and join their countrymen in the peaceful pursuits of normal life. Lieutenant-Colonel Thorpe, another American guerrilla commander, after he was captured not only issued an order to his men to surrender but advised the people of the futility of further resistance, which according to him only brought sufferings and unnecessary misery for no beneficial result, and praised the exemplary treatment given to prisoners by the Japanese forces. In an article which he allegedly wrote after his capture (*Tribune*, January 21, 1945) he said:

“We had been expanding our armaments with a view to threatening Japan. Our real object was to subdue her, the hero of East Asia, without having actually to fight against her. But our plan failed miserably and when the war broke out we found, contrary to our expectation, that we could not beat Japan and that we were losing in the fight.

“For the purpose of stirring up enmity against Japan a great deal of false propaganda was launched saying that the Japanese forces were an army of barbarians and savages who would commit outrages and abuses in their campaign in the Philippines against the huge defensive force recently organized by the American Commander-in-Chief. Japan was pictured in this propaganda as an aggressor imperialist nation, while the virtues of American democracy and liberalism were greatly exaggerated. Apparently these moves were essential to making the colored race of the Philippines fight against the Japanese who belonged to the same Asiatic race. Perhaps it was realized that should the Filipinos see the truth of the situation that they are Asiatics themselves they might look upon the Occidentals with hostility thus bringing to naught the efforts exercised by the United States and England to enlist their aid in the war.

“It is a great disgrace and shame to the American forces which considered themselves the strongest in the world and proudly boasted that they could annihilate Japan in two weeks of war that they should be thrown into confusion and eventually defeated by the Japanese forces.

"The indomitable fighting spirit, the deathless courage, the invincible might of the Japanese soldiers are almost beyond imagination. I now know the reason for the strength of the Japanese soldiers. It lies not only in the fact that they have received and been trained under the most rigid discipline and that they are better equipped, but also because they are possessed of strong spiritual power, the spirit that has inspired martyrs and heroes and a firm conviction of certain victory.

"The American authorities had promised us more than ten times to send reinforcements, but they did not keep their word at all. Filled with vain hope we had exerted ourselves to no avail. It is a great pity that the desperate conduct and activities of the guerrilla bands, resulting from the heartlessness of the American government, have caused the persecution of innocent people.

"I also deeply regret that the guerrillas have at last been transformed into common thieves and have been guilty of threatening the life of the provincial inhabitants. I also realized that we were too weak to turn our defeat into victory and that we have become powerless to function effectively as a tactical unit.

"Furthermore, I was overwhelmed with pity for those guerrillas who had become mere bands of robbers, for those false patriots who, without purpose and without hope in their opposition to Japanese soldiers, now find themselves facing defeat and inevitable collapse, wreak their vengeance on law-abiding people. I find plenty of time now to ponder on why our guerrilla bands collapsed so easily. The reasons are: (1) Our alienation from the people. This is the most important item and it was brought about by our acts of plunder, intimidations, and kidnapping of which the innocent and law-abiding people were the victims....

"In these concentration camps I have been well treated by the Japanese soldiers, and have come to understand the real significance of the Bushido. We had always believed that surrender to the Japanese forces meant nothing but death. We now regret having spread such false propaganda. As an officer of the United States Army, I had been one of those who had broadcast such a false propaganda. In conclusion, I wish to confess I have given up such foolish idea since I received cordial treatment from all the Japanese soldiers."

More or less similar statements were allegedly made by Cushing, Hillsman, Baker and a host of other American war prisoners.

Those Americans are all brave heroes. Their statements were forced from them by the victorious enemy, and that did not detract a bit from their heroism, for they were all "a sacrifice to American unpreparedness." They are all entitled to the reward of a grateful nation, and that reward, so richly deserved, was as lavishly given.

On the other hand, the members of the Philippine Council of State and other Filipino leaders under the Japanese occupation were

forced by the same victorious enemy to issue appeals urging the guerrillas to stop their activities. The "manifesto" of February, 1945, was such an appeal, issued in order to appease the Japanese military who were threatening, in view of the increasing strength of the resistance movement, to conduct punitive expeditions and mopping up operations in all parts of the country, which would have resulted in indiscriminate massacre and torture of countless elements of the civilian population, who undeniably were active supporters and sympathizers of the resistance movement.

For that, as well as for some other declarations also exacted by pressure,—such as innocuous stereotyped words of praise for Japan's "magnanimity and benevolence," which according to one American commentator were so extravagant that they might be interpreted as irony—these leaders were arrested for adherence to the enemy and branded as opportunistic helots. Is it because they are Filipinos? That would be hardly fair. Wainwright, Sharp, Straughn, Thorpe, Cushing, Hillsman, Baker and many other comrades-in-arms would understand the plight in which these Filipino leaders found themselves and their country. General Wainwright was perhaps thinking of their plight when he said a few weeks ago that "the Filipinos were *one hundred percent loyal*" and that "*they are just as good Americans as you or I,*" for it was much the same situation in which he was placed and which after his liberation prompted him to thank the American people for that "generous understanding" that is now denied to the Filipino leaders who found themselves in the same dire predicament.

***Loyalty to the Filipino people
is loyalty to the United States***

IN assessing the acts of the Filipino leaders during the Japanese occupation, the inquiry must be directed to whether or not they remained loyal to their own people. Allegiance to the United States or to the Commonwealth of the Philippines cannot be divorced and viewed in complete detachment from such loyalty; and once it is admitted, as it must be upon impartial appraisal, that those leaders in all their official actuations had in their hearts only the welfare and safety of the people under the trying circumstances of enemy rule, their loyalty to their own government and to the United States is beyond question. This is so unless it be contended, contrary to all democratic concepts and notions, that the people exist for the state and not the state for the people.

The conditions which prevailed in the Philippines after the retreat and final surrender of the Filipino-American forces are now known to all. President Osmeña himself, in his speech in Leyte upon his return, has made this brief but eloquent description and has thereby incidentally confirmed President Quezon's instructions to the Filipino leaders to remain in their positions, to do what they could, and to bargain with the enemy in order to protect the people: "After the fall of Bataan and Corregidor and the tragic defeat of the Allied armies in Asia, our people found themselves pitted against the might of Japan . . . We cannot close our eyes to the realities of the Japanese occupation. It is cruel and harsh. An arbitrary government has been imposed on the Filipino people by the sword and the initial misfortune of American and Filipino arms left the majority of the eighteen million Filipinos no other recourse but to submit to a despotic régime if they were to survive. Not all public officials could take to the hills to carry on the heroic struggle. Some had to remain in their posts to maintain a semblance of government, to protect the population from the oppressor to the extent possible by human ingenuity and to comfort the people in their misery. Had their services not been available,

the Japanese would either have themselves governed directly and completely or utilized unscrupulous Filipino followers capable of any treason to their people. The result would have been calamitous and the injuries inflicted to our body politic beyond cure."

The leaders who were left here were faced with precisely the situation just described. It was for them to use their best judgment and discretion in order to give, as far as was humanly possible, that protection to the people which their own government and the government of the United States had been rendered powerless to provide.

Apart from President Quezon's instructions there were other sources in which they found guidance and inspiration. For they had inherited a great American legacy which, in defining the basis of Philippine-American relations, makes the happiness and well-being of the Filipino people the paramount consideration, and justifies the establishment of American sovereignty here only as a means to accomplish that noble purpose. They remembered President McKinley's instruction to the Philippine Commission headed by William Howard Taft, in which he said that the government which they were establishing here "is designed *not for our satisfaction or for the expression of our theoretical views, but for the happiness, peace and prosperity of the people of the Philippine Islands . . .*" and that "there are certain practical rules of government which we have found to be essential to the preservation of the great principles of liberty and law, and that these principles and these rules of government must be established and maintained in their islands *for the sake of their liberty and happiness.*" President Wilson, in his message to the Filipino people through Governor Harrison, gave voice to the same high purpose when he said: "*We regard ourselves as trustees acting not for the advantage of the United States, but for the benefit of the people of the Philippine Islands.*" The Jones Law itself, which gave the first definite promise of independence, declares that it was never the intention of the people of the United States to make the war with Spain *a war of conquest or for territorial aggrandizement* and that it has always been their purpose "to withdraw their sovereignty over the Philippines and to recognize their independence as soon as a stable government can be established therein . . ."

The welfare and happiness of the Filipino people and, for that ultimate purpose, their training in the arts of self-government under the guidance of the United States, have always been the only declared justification for the implantation of American sovereignty in this country. If because of that sovereignty, therefore, the Filipino leaders owe allegiance to the United States, such obligation has been fulfilled by a sincere endeavor on their part to protect their own people from the cruel enemy. And if, in their efforts to do so, the exigencies of the situation compelled them to feign cooperation with that enemy, for otherwise those efforts would have been worse than futile, such apparent cooperation cannot mean disloyalty to the United States.

Others, with the same end in view, might have chosen different means, as it is in the means where men usually differ. But for the Filipino leaders at the time the choice was plain. They were certain that the United States was never in any danger of defeat, that it was only a matter of time before final victory would be achieved, and that whatever they did could not affect in any way that outcome of the conflict while it might mean the difference between death and life to their people for whom their choice of means had been made. And since what they did to protect the people from Japanese brutality and avarice was made necessary because of the loss of that protection which it was the duty of the United States to provide, and was, in their considered judgment, the means most conducive to the ends envisaged by the Americans themselves, that is, the welfare and safety of the Filipinos, it would be absurd to accuse these leaders of disloyalty to the United States just because their endeavors did not meet with the expected measure of success.

The collaborators of 1901

COLLABORATION is nothing new in Philippine history. It is the fate of weak peoples to be forced into submission to stronger powers and for purposes of their own appear to collaborate with the latter. Not to go as far back as Rajah Humabon, who collaborated with Magellan, and Rajah Lakandula, who collaborated with Legazpi, in the early days of the Spanish régime, there were among the Filipino leaders during the war of independence against the United States at the turn of the century what some present-day critics would also call political collaborators. And they were certainly real ones. Under the military régime then existing (1901), many prominent Filipinos accepted important positions in the government. Arellano, Torres, Meliza, Araullo, Rianzares Bautista, and Llorente were appointed to the judiciary. It was also during that period that the American authorities organized the provincial and the municipal governments, in which the Filipinos were given a large participation. Several prominent Filipinos were appointed to the Philippine Commission, namely, Pardo de Tavera, principal founder and first president of the Federal Party; Legarda, also of the same party; and Luzuriaga, "who played an important role in the organization of the *republic of Negros*." The formal and solemn induction of these officials into office took place on September 1, 1901. Araneta and Sumulong were appointed to that body some time later. It will be remembered that the Federal party got its name from the fact that the principal plank in its platform advocated outright annexation of the Philippines to the United States under a status of full membership in the Union. This, of course, did not materialize.

As has been pointed out these men accepted their positions during the existence of the American military régime even as the patriots were still in the mountains fighting for independence. It is true that Aguinaldo and some other generals of the revolution had either surrendered or been captured. Aguinaldo was captured on March 24, 1901, and on the following April 1 took the oath of allegiance to the

United States, swore loyalty to the American flag and renounced his connection with the still existing revolutionary government. Then on the 19th of the same month he issued a manifesto to the Filipino people asking them to lay down their arms. But other revolutionary leaders, among them General Miguel Malvar, General Miguel Lukban and General Mariano Noriel, three of our greatest soldiers at that time, continued to offer resistance. General Lukban was captured only in February, 1902; General Noriel laid down his arms in March, and General Malvar surrendered in April of the same year. Even after that, however, hostilities did not cease, as until 1906 the Filipino guerrillas were active, although their activities were outlawed as "bandolerismo" or brigandage, just as the resistance movement during the Japanese occupation was termed banditry by the Japanese. Such men as Sakay, Carreon, Montalan, Ola, de Vega, Villafuerte, Natividad, Despida, Estacio, Porto and Felizardo carried on the guerrilla warfare for many years, but naturally, their cause having been finally defeated, their names are not now held in grateful remembrance. Not only that, but some of them, for their activities and for abuses which their followers committed—abuses which seem to be an unavoidable concomitant of resistance movements everywhere—were tried by Philippine courts, sentenced to death and hanged (*U.S. vs. Sakay, et al.*, 8 Phil. 256). Had the independence movement triumphed, however; had some first-class third-party power, for instance, come to the aid of the revolutionists and dislodged the American forces in the Philippines, those men would have been acclaimed as heroes, with back pay and everything, because for all their shortcomings and perhaps unwarranted excesses, they were in the main actuated by patriotic motives. They were not a gang of bandits but a military organization with officers up to the rank of general. The papers they carried and presented in court as part of their evidence show that the acts for which they were punished were calculated to aid their military efforts. But they served a lost cause and they had to pay the penalty.

It is quite conceivable, and veiled warnings had been in fact dropped by the Japanese during the occupation, that if they had won the war the very first Filipinos whom they would have liquidated were the high officials in the government. For the Japanese strongly and rightly suspected the truth that those officials were really obstructing Japan's war efforts and that their activities to that end were all the more effective and insidious because of their positions.

The men now accused of collaboration with the Japanese did not draw lessons from their forbears of the revolution because the circumstances under which the latter cooperated with the American army of occupation were very different. It was then a foregone conclusion that the American military forces here could not possibly be expelled and that the occupation would ripen, as it did, into permanent implantation of American sovereignty over the Philippines. Those collaborators, therefore, in accepting to serve in the government established by the military occupant, were not merely playing for time.

They were there for good. They were convinced of the advantages for the country in passing under the tutelage of the United States and consequently were sincere in their collaboration. There was a unity of ideals and aims, and, therefore, of efforts between them and the Americans. They shared common concepts of democracy and to them the famous McKinley Instructions to the Taft Commission were a most eloquent message embodying the American way of life and mode of thinking. It was therefore with a sincerity of purpose that they appealed to the Filipino people to lay down their arms, live in peace, accept willingly the realities of the situation, and earnestly cooperate with the American régime. They were collaborators at heart, in fact and in name.

On the other hand, the Filipino leaders during the Japanese occupation had no such ideas, feelings and motivation. They knew that the occupation was but temporary, for they were sure of ultimate American victory and were only biding their time until the Philippines could be liberated. To them the Japanese way of life was a repulsive thing, reared as they were in an atmosphere of democracy and freedom. Their beliefs, their political ideals, their education, their own personal interests, and the welfare of their country cried out against Japan's ambition to dominate and exploit the Asiatic peoples under the cloak of her co-prosperity slogan, and against almost everything else that the Japanese stood for. They, therefore, did not collaborate with the Japanese. On the contrary, underneath the superficial show of cooperation demanded of them by the situation, they did their best to sabotage the Japanese war efforts. They were forced to campaign for peace and order, but they limited themselves to condemning outlaws and bandits, while maintaining contact with, and aiding and encouraging in diverse ways, the real underground resistance forces. And when the Americans came back, they crossed over to their lines as soon as it was possible for them to do so.

During the revolution there were irreconcilable elements among the Filipino leaders who wanted no compromise with the United States but demanded complete independence. They were 57 in all, including Apolinario Mabini, Pablo Ocampo, Julian Gerona, Pio del Pilar, Artemio Ricarte, Mariano Llanera, and Maximo Hizon. General Arthur MacArthur, father of the liberator of the Philippines and conqueror of Japan, then the Commander-in-Chief of the American forces here, rounded up those uncompromising leaders for reasons of military security and deported them to Guam. Their deportation was perhaps justified in the eyes of the American army of occupation in view of the general attitude of the Filipino people, who had been fighting for independence and whose sympathies therefore were fertile grounds for the anti-American agitation of those men.

Upon the triumphant return to the Philippines of General Douglas MacArthur's forces, the same lot fell upon the Filipino leaders who served in the governments during the occupation. They were banished to Iwahig, avowedly also for reasons of military security, although heaven

knows how they could have been a menace to that security when precisely, to show that they were awaiting, as anxiously as any other Filipino, the return of General MacArthur's armies, they managed to escape, at their first opportunity and at the risk of their lives and the lives of their families, from the areas controlled by the Japanese and for days and nights trekked through forests and mountains in order to reach the American lines. History has indeed a curious and often ironical way of repeating itself.

The average Filipino's reaction

THE average Filipino, who reads his newspapers and thinks that the war being over he is entitled to the peace he has been awaiting so long, is today a confused, bewildered man. He hears everywhere a heated discussion of the question of collaboration and reads that its outcome will probably decide whether or not he can get all the aid which he has been led to expect from America to help him rebuild his home, or to select at the polls freely the men who should lead the country in this great hour of need. He learns that the United States has rewarded her valiant generals and other soldiers who fought here against overwhelming Japanese superiority, only to surrender and be confined; he reads President Truman's statement that these brave men were "a sacrifice to our state of unpreparedness." And he looks around at his devastated country, laid waste by the battles for his liberation, and wonders whether perhaps that country, and those of his leaders who are now accused of treason, had not been a similar sacrifice. He feels keenly why a gallant American officer, who could only thank the American people for their generous understanding of his surrender and of the declarations forced from his lips by the Japanese, has been acclaimed by them in his true stature as a hero, while the Filipinos who found themselves in the same predicament as he did now live under the shadow of criminal prosecution.

This simple but worldly-wise Filipino reads of Siam, welcomed back by America into the community of nations as a "free, sovereign and independent country," her actual and open hostilities against Britain and the United States notwithstanding; he hears of the Siamese declaration of war—perhaps not merely a document of Japanese propaganda, but a statement translated into open warfare—simply set aside and declared null and void, and this act concurred in by America because, as Secretary Byrnes said, "the declaration of war did not represent the will of the Siamese people." He remembers too that while the Japanese in their distrust of the Filipinos never allowed their students to enroll in military and naval schools in Japan, they

did allow and encourage the Burmese to do so; and in this connection he recalls Burma's declaration of war against the United States and Britain, her so-called "War First" principle, the mobilization of the entire Burmese nation for the prosecution of the war in cooperation with Japan, the organization of the Burmese army not merely for the defense of the country but for offensive purposes as well, and, puzzled, reads also of the Burmese leader, U Aung San, who commanded that army, becoming at the eleventh hour Commander-in-Chief of the Burmese forces which cooperated with the Allies, a free man, advocating a "Potsdam Conference" of Asiatic peoples to achieve freedom from Britain within the shortest possible time. He learns that the other Burmese puppets, U Ba On and U A Aye, Ministers in Ba Maw's government, are equally engaged in political activities, with Britain apparently ignoring their previous collaboration with the Japanese.

He reads about Dr. Soekarno, President of the Japanese-sponsored Republic of Indonesia, a real collaborator with Japan if ever there was one, having raised armies to fight side by side with the Japanese, and of Sarat Chandra Bose, brother of Subhas Chandra Bose, engaged in anti-British activities during the war with Japan, not only free but active again as leaders of their own peoples in their fight for freedom and independence.

There is, indeed, no collaboration issue in Burma, Indonesia, and British Malaya, while in India only those Indian officers in the British Army who later on passed over to the Indian National Army of Subhas Chandra Bose were held for court-martial.

He reads in the issue of *Time* for January 14, 1946, a significant account of the court-martial of "three Indian Army officers who had fought with the Japanese against Britain." The trial occasioned protest riotings by the Indians, in which thirty persons were killed. The verdict, when it was handed down, satisfied the legal conscience of the British, but at the same time presumably recognized the fact that it was Britain's unpreparedness that brought about a situation that made such events possible, and that, from the point of view of the Indians, the accused *were not traitors but patriots* who fought for what they believed to be the cause of India's freedom. For evidently they did not, as they could not, even claim the defense of duress, but stood pat on their conviction that what they did was, while unquestionably anti-British, for the freedom of their own country. So while technically they were found guilty of "waging a war against the State" and sentenced, as they had to be, to "transportation for life (banishment to a penal colony for life), cashiering and forfeiture of arrears of pay and allowances," the British Commander-in-Chief, in the same decision, remitted the sentence completely and declared that the accused were now free men.

Reading the account further, our average Filipino learns that there was a general jubilation in India over the outcome of the trial. *Time* says: "The trio in the dock saluted jauntily, broke into broad smiles as they marched out. Soon telephones were jangling joyously all over

Delhi. Crowds gathered in the streets. In a friend's jampacked house the three patriots (not traitors now) were garlanded with flowers. Said they in a formal statement: 'This has been a victory for India.'

He cannot but contrast this case with the case of the Filipino leaders now accused of collaboration. For while admittedly those Indian officers in the British Army genuinely cooperated with the Japanese and actually fought on their side against the British, these Filipino leaders, finding themselves and their people under enemy coercion, remained true to their old loyalties, yet had to feign cooperation with the enemy in order to protect the people and alleviate their situation, and at the same time did as much as they could under the circumstances to sabotage the enemy's war efforts. And yet, while the British have adopted a realistic and long-range view of the entire question in India, it seems that some official quarters in the United States are inclined to adopt a purely legalistic view—which, by way, is not even tenable under international law—and to exact in a spirit of incomprehensible vindictiveness, the pound of flesh, without regard to the stark realities of the Japanese occupation, or of any other military occupation, for that matter, to America's share of responsibility for her unpreparedness, to the constants of Philippine-American relations in the future, and—most important of all—to the basic requirements of unity among the Filipinos, which must be attained if their devastated and impoverished country is to be reconstructed and rehabilitated from the ravages of the war.

As the average Filipino reads of these developments in those countries—former fellow-members in Japan's co-prosperity sphere—he asks himself: Are the Filipinos, leaders and common men alike, different from the Siamese, the Burmese, the Indonesians and the Indians, so as to deserve a different treatment and to call for a distinct approach with respect to the subject of collaboration?

The case of Denmark and Greece—A parallel

His bewilderment becomes almost complete disbelief as he reads of developments in Denmark and Greece. In Denmark, he learns, the leaders adopted much the same policy, perhaps more "cooperationist" in appearance, under the Germans as that followed by the Filipinos under the Japanese, and subsequently received the generous understanding of the Danish people and the Allied nations alike.

The last Prime Minister was Erik Scavenius, an astute realistic politician who took pride in the title of cynic. He argued, with perfect sincerity, that Denmark's best long-term hope lay in playing possum. He, therefore, condemned the saboteurs, calling them "a lawless mob" and "gangsters".

Scavenius got the King to issue proclamations against sabotage and even leading trade unionists echoed his warnings to save Danish institutions and land values. But the "Freedom Council", the Danish underground organization, with members

from all political parties, did not follow Scavenius. It thought it more important to save the Danish soul. Sabotage continued.

This spirit did not mean that Denmark was divided in its opposition to the Germans. No serious Dane ever called Scavenius a quisling or accused him of being kind to the Germans. They knew he was kind to nobody. The spirit rather reflected the difference of opinion in all democratic countries as to the revolutionary implications of the war.

(“Denmark” by Hans Bendix, from LIFE)

In Greece, this average Filipino learns, Archbishop Damaskinos, who was called to power by the Germans after his old opponent, Chrysantos de Trebizonde, had refused to swear in the first quisling Premier, Tsolakoglu, is Greece's Regent today with the help and support of the victorious British. Damaskinos, like most of the Filipino leaders who served under the Japanese régime, “was no mere stooge for the invader: he used his power to aid, although not directly, the Greek resistance movement; he used his philanthropies to save the men in the hills, the Jews, and those men who were interned by the German occupation forces.” Damaskinos, judged by standards which some men would advocate here, was a puppet and a traitor, for he came to power under German occupation, to take the place of the uncompromising patriot, Chrysantos de Trebizonde.

What they teach in American Military Schools on the subject of enemy collaboration

As this average Filipino ponders over Washington directives and pronouncements respecting collaboration in the Philippines, he comes across a certain textbook entitled “*Military Aid to Civil Power*”, which, according to its introduction, has been “prepared for the General Service Schools, Fort Leavenworth, Kansas,” and “is designed to serve as a practical guide for officers of the Army of the United States in administering the Laws of War, and in the application of current legal principles to situations involving Military Government, Martial Law, and Domestic Disturbances.” To his complete amazement, on page 65 of this book he finds the following passage, which is in direct contrast to the current American opinion regarding the Filipino officials during enemy occupation:

“k. Mexico has a law which forbids any of her officials from accepting office or executing authority under a military conqueror. This, of course, would be very embarrassing to the invading army, but such a rule would injure Mexico more than her enemy. In the Franco-Prussian War, various instructions were given by the French Government to local officials in the east to flee or not to accept any position of authority under the Germans. It is believed to be unlikely that any such instructions were given during the World War (I), for it is known that after the war France

decorated some of the local officials who had remained at their posts during the German occupation and performed their duties in a manner most beneficial to the inhabitants."

Lessons in democracy that the Filipino has been taught

The Filipino has been taught to believe in the inviolability of certain rights of man, such as the right to liberty under due process of law and the right to be presumed innocent until his guilt is proven. He has been told that this war was fought for high democratic ideals and principles and that once victory is won he can again feel secure in the guaranties of his constitution. It is, therefore, difficult for him to understand why some of his countrymen—the very ones whom he has considered for many years as the leaders of his people, who abided with him during the grim nightmare of Japanese rule, have been thrown in jail and banished to a malaria-ridden penal station "for reasons of military security," that is, for them not to jeopardize the military operations of MacArthur's army of liberation, and are considered as convicted criminals—their bank accounts were ordered frozen by means not much different from the odious bill of attainder—before any formal indictment has been filed against them and even before the court which his government has constituted to try them has had the opportunity to receive the charges and begin the trial. This, he perceives, is not due process of law.

According to the American textbooks that he has studied in school, he should have complete freedom as a citizen to choose his own leaders and to decide who shall administer his government. His choice and decision may be wrong, but that is beside the question: his right to make them is inherent and inalienable. In the words of one of the great exponents of American democracy, William Jennings Bryan, "the people have a right to make their own mistakes."

The ordinary Filipino is, therefore, disappointed to read about the sweeping and indiscriminating directives from Washington ordering the removal of certain leaders from positions of influence in the political life of the nation, because he believes that they constitute undue interference with a right which should be his alone. He thinks that they are attempts to influence the mind of the People's Court on the question of collaboration, and, therefore, tend to defeat the principle of the independence of the judiciary consecrated in his and in the American Constitution.

After all, he recalls that the cases of the political detainees have been turned over by the military authorities to the Commonwealth Government without the latter asking for them, a token indeed of trust and confidence in the competence of the Filipinos to handle the said cases. But he thinks it rather odd that, even before the instrumentalities created to prosecute and try said cases have started their work, directives should come from Washington seemingly charging neglect or dereliction of duty in the matter of prosecuting and trying the said cases.

Those who made national survival possible

These are the thoughts that undermine confidence in constituted authority and breeds disunity among the people. This average Filipino looks back at the events during the Japanese occupation, and realizes that if the nation survived without more sufferings and misfortunes than it has actually undergone, it was not because of the deeds of one man or group of men, but because of the united efforts, great and little, of practically all the elements of the people, beginning with President Quezon and Vice-President Osmeña, who, in leaving for the United States, were able to establish a symbolic government of the Commonwealth there, which maintained valuable contact with the American government and people and kept alive their interest in the problems of Philippine liberation and post-war rehabilitation. Even in the darkest period of the occupation, deep in their hearts the Filipinos were grateful to Providence for having spared those two leaders from the Japanese and thus enabled them to carry on in an atmosphere of freedom, like the Vestals of old keeping the sacred fires burning.

In the Philippines under the occupation, the credit is due not to a few alone. Public officials, high and low, and the masses, intellectuals and common men alike, for their unfailing hope and tenacious fortitude, provided, as it were, the anvil upon which the weapons against the enemy were hammered and forged. They helped sustain, with food and money and moral support, the men and women in the resistance movement. On their part, those men and women fought the enemy in the field, or engaged in intelligence work against him and sabotaged his propaganda machine, from private homes to the high offices of the government, or in diverse other ways tried to checkmate his designs.

For it was not only the men with rifles, who exchanged shots with the Japanese soldiers, that made up the resistance forces. There were many thousands of others, staying in cities and towns and small villages, working in government offices or private enterprises, or simply eking out their living in the streets; who just as effectively resisted. Even those who merely attended to their own affairs but by doing so kept the steady flow of economic life—the humble farmers, the small dealers in food supplies and other prime commodities, who did not enrich themselves at the expense of their countrymen—did their part unwittingly but well, for without them it would have been difficult to maintain the morale of the rest.

Those people, in turn, as well as a great many others, were able to attend to their affairs through the facilities afforded them by the Filipino officials in the government, whether executives or judges, who administered the laws and regulations necessary for a well-ordered social and economic life, distributed relief to the needy, provided for the sick and the infirm, gave employment to released war prisoners, punished crimes (not war crimes committed against the enemy occupant but common crimes against a well-ordered society), endea-

vored to protect the people from Japanese abuses and atrocities, and gave help and encouragement to those in the resistance forces. All these different elements were as gears that meshed together in co-ordinated unity, the breaking of even one of which would have caused a breakdown of the entire machinery.

The wreckers of national unity

Ironically enough, it is men who did not belong to these elements who now try to wreck that unity. They are the very men who lacked the moral courage to take up the challenge of the enemy's rule and who, rather than face him in order to protect and comfort the people, escaped abroad, or went into hiding in the mountains, or in comparative anonymity managed to look after and promote their own personal interests, coming out only upon the liberation to proclaim themselves the high priests of the newly-regained political faith.

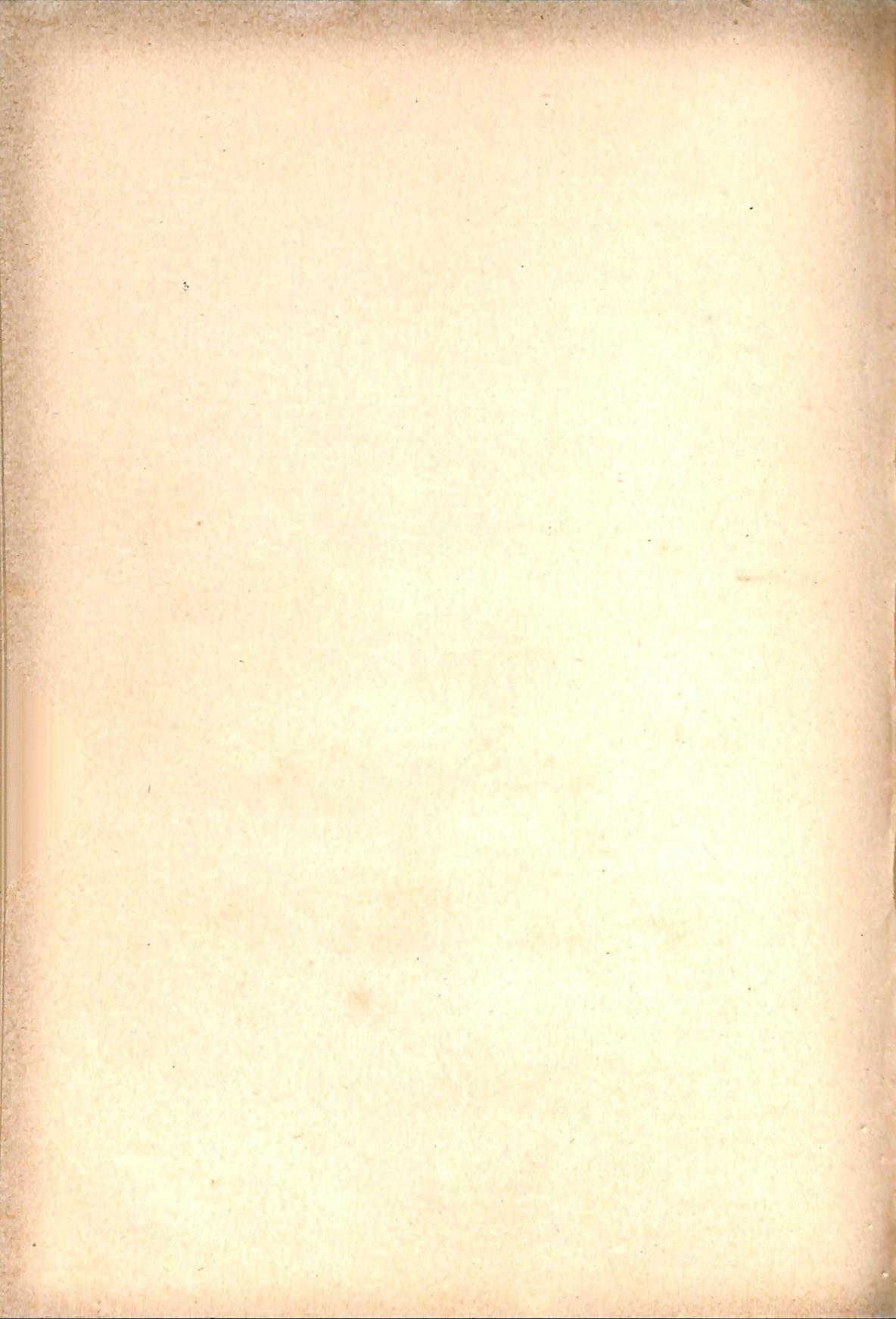
It is easy indeed to be patriotic in an atmosphere of freedom, and to parade one's valor after the enemy has gone. To these patriots and heroes it matters not that they breed confusion and disunity, because, having fed at the new trough of political power, they think that confusion and disunity will help them keep it. They, therefore, created the issue of "collaboration" and vilify those they call "collaborators" with all the aspersions at their command. And some of them, having realized that their smear campaign in the Philippines has not produced among the people the results that they desired, have carried the campaign to the United States, where apparently they have been accorded a warmer reception, being the only ones who have made themselves heard.

Even now the seeds of dissension they have sown are beginning to bear fruit. Little do they realize that unity is as necessary now as ever before. For as President Osmeña has said, "It would be tragic, indeed, if at this last stage of our crucial struggle for nationhood we should fall apart and be divided against ourselves. We have had enough misfortunes and sufferings in this war; we cannot bear any more."

The Filipino's inescapable duty

And yet, to borrow the words of a great contemporary American writer, "a united effort is possible only among a people who have taken themselves in hand, have written off the losses of the past, and have seen that their common concern in so great a crisis transcends all their separate interests. In the name of patriotism much evil has been done in this world. Yet there come periods in the history of peoples when they must resort to their common loyalties and there remember that beneath all their differences is a common life. This is such a period. This is a time when the nation is at war not with an enemy outside but with encroaching disorder and chaos, and it may well be asked of every man that he keep order in his own spirit, and shut the door in no other man's face."

THE END



APPENDICES



APPENDIX "A"

THE COMMONWEALTH STAND ON COLLABORATION

By PRESIDENT OSMEÑA

A Speech Delivered November 23rd, 1944, Over The Voice of Freedom

SINCE my return to the Philippines a month ago, it has been my good fortune to meet a number of guerrilla leaders. The world will long remember the epic stand of the guerrillas. After the fall of Bataan and Corregidor and the tragic defeat of the Allied armies in Asia, our people found themselves pitted against the might of Japan. Then the guerrilla movement came into being. It was the people's continued fight against the invaders. The guerrillas almost without arms at the beginning, hungry and unclothed, gave battle to the enemy from every nook and corner of the land. For three seemingly interminable years and despite unbelievable hardships, they carried the torch of freedom, confident that America would not fail them and that MacArthur would fulfill his pledge to return.

Our nation is justly proud of the guerrillas and the Philippine Government shall see to it that they are properly rewarded. We have taken the initial step of incorporating all guerrillas recognized by the Military Command into the Philippine Army, with United States Army pay.

But in our praise of the guerrillas we should not be forgetful of the loyal civilian population that was left behind to face the ire of the invader and support the guerrillas. It was not possible for all to evade the enemy: the fate of the immense majority was to bear the manacles of enslavement. Unfortunately, this has given rise to different attitudes and actions in relation to the Japanese rule causing some misunderstandings among our people. This state of affairs has created one of the most serious problems with which our Government is confronted.

We cannot close our eyes to the realities of the Japanese occupation. It is cruel and harsh. An arbitrary government has been imposed on the Filipino people by the sword and the initial misfortune of American and Filipino arms left the majority of eighteen million Filipinos no other recourse but to submit to a despotic régime if they were to survive. Not all public officials could take to the hills to carry on the heroic struggle. Some had to remain in their posts to maintain a semblance of government, to protect the population from the oppressor to the extent possible by human ingenuity and to comfort the people in their misery. Had their services not been available, the Japanese would either have themselves governed directly and completely or utilized unscrupulous Filipino followers capable of any treason to their people. The result would have been calamitous and the injuries inflicted to our body politic beyond cure.

The problem under consideration must be solved with justice and dignity. Every case should be examined impartially and decided on its own merits. Persons holding public office during enemy occupation, for the most part, fall within three categories: those prompted by a desire to protect the people, those actuated by fear of enemy reprisals, and those

motivated by disloyalty to our government and cause. The motives which caused the retention of the office and conduct while in office, rather than the sole fact of its occupation, ought to be the criterion upon which such persons will be judged.

Those charged with giving aid and comfort to the enemy, whether office holders or private citizens, with being traitors and disloyal to the governments of the Philippines and of the United States will be dealt with in accordance with law. But for the common good and our national welfare, I appeal to all the citizens of the Philippines to support their government in meeting its responsibilities by lawful procedures. Persons in possession of information on act of disloyalty to the Commonwealth Government or that of the United States should report it to the authorities. But under no circumstances should any person or group take the law into their own hands.

Ours is a constitutional government, ours is a community educated in the norms of a Christian civilization. Due respect for the law, rigid adherence to those principles established in civilized countries, complete obedience to the decisions of the courts—all these involve forms of character and high moral attributes that are the possession of enlightened countries like ours. On the threshold of occupying a sovereign place in the concert of free nations, we must live up to our responsibilities. We must prove our ability to maintain domestic peace and our capacity to mete out justice. Precisely when the eyes of the civilized world are focused on our country, we cannot allow acts of personal revenge and misguided zeal to cast a reflection on our civilization and our ability to maintain an orderly government. Ours is a government by law; the splendour of its majesty must never be dimmed in our land.

The dignity and courage of the Filipino people in the face of calamity have elicited the admiration of the world. With a long tradition of peace, the Filipino nevertheless faced war bravely. He died heroically when death was demanded of him by the exigencies of battle. Under the tyranny of the Japanese he toiled to survive. But when the forces of redemption were compelled to rain death on his home and destroy his property in order to dislodge the enemy, he was never heard to complain. He realized that the price of freedom is high and was ready to pay the cost. To-day he labors on the wharfs of Tacloban, tills the fields of Leyte and renders vast service everywhere without hesitation or regrets, with the enthusiasm of a human being who is again free to shape his destiny.

As a people we have come of age. We must move forward, just and firm but merciful and humane, closely united, animated by the same social aspirations to happiness, bound together as a political State by the wise dispositions of our Constitution and our laws. God helping me, I shall strive to this end.

APPENDIX "B"

A HISTORIC DOCUMENT

EXCERPTS FROM THE LETTER-MEMORIAL DATED JUNE 20, 1944
SENT BY CLARO M. RECTO, THEN FOREIGN MINISTER OF
THE REPUBLIC OF THE PHILIPPINES, TO AMBASSADOR S.
MURATA AND LIEUTENANT-GENERAL T. WATI OF THE IM-
PERIAL JAPANESE ARMY IN THE PHILIPPINES.

The letter from which the following excerpts are taken was written at a time when the Japanese reign of terror, prior to the landing of the Americans, was at its height, when the dreaded "kempei" had opened a new bloody chapter in their career of torture and murder, and the Japanese army and navy in the Philippines were forcibly dispossessing civilians of their homes and throwing them out into the streets.

In that crescendo of crime and iniquity the author, who was then Foreign Minister in the Laurel government, dared raise his voice in protest. His letter is a vigorous indictment against the Japanese. Brutally frank in expression, gory in detail, and thinly disguised in its insinuations that the government of the "Republic", much less the Filipinos themselves, could not conceivably be expected to take the side of Japan in the coming showdown with the United States, the letter necessarily had to be cloaked in some parts with diplomatic circumlocutions so as not to offend unduly the well-known Japanese sensibilities.

Hence the seeming avowals of an ultimate desire for conciliation between the Filipinos and the Japanese, despite the fact, known to everybody at the time, that the enmity between them was already so deep and so bitter as to render any attempt to assuage it on the part of the Filipinos worse than futile.

For the method employed—the fencer's thrust and parry—the author is eminently qualified. It is known only too well to those who, in the halls of the legislature or in the columns of the press, have been "touché" by his worded rapier and succumbed even before becoming aware that they have been hit. It is even suspected that, being a student of the life and works of

Dr. Rizal, the author emulated, in a comparable way, the method of masked attack used by that great hero in his "Noli Me Tangere" and "El Filibusterismo", which became the bible of the Philippine revolution against Spain.

Primarily intended as propaganda for the people and the resistance forces, to bolster their determination and morale by depicting the Japanese as they really were and the independence which they forced upon the Filipinos as a mockery, the letter was addressed to two of the top-ranking Japanese officials in the Philippines —one the Ambassador and the other a member of the General Staff—in order to lull any suspicions which the Japanese military as a whole might have. It was, at the same time, a last peaceful resort to alleviate and minimize the sufferings of the Filipinos at the hands of the military occupant.

How far the attempt succeeded in this last object the editor has no means of knowing. But as one of the suffering public at the time, he can say that the letter was received with considerable if secret enthusiasm by the people and those in the resistance movement. Everybody divined at once the true motives of the author. Mimeographed copies of this letter have been widely distributed all over the Philippines by those in the said movement, who immediately perceived its tremendous propaganda value.

Whatever the letter did accomplish, it cannot but be clear to the reader, particularly if he was in the Philippines during the occupation, that to have written it required the highest courage and the deepest feeling for the welfare and happiness of the people.

—Editor's Note.

IT is deeply to be regretted that, notwithstanding the liberal policies laid down by the Tokyo Government and carried out in their larger aspects by its able representatives here, little has been accomplished, as a matter of fact, to eliminate the feeling of distrust and hostility which a considerable portion of our people continue to entertain towards the present régime. This fact requires a word of explanation lest the Jap-

anese Government, unaware of the real reasons behind the present attitude of this portion of the Filipino people, should come to regard all of them, in general, as ungrateful, unwilling or unable to appreciate Tokyo's liberal policies towards the Philippines. For the Filipinos are an innately grateful people, and it would be unjust to accuse them of ingratitude simply because they have so far not shown the degree of cooperation which Japan had expected of them.

The explanation seems to be simple enough. It may be found, in the first place, in the psychology of the common people, not only in this country but everywhere. Here as elsewhere the common man is less concerned with high policies, great issues or abstract principles than with matters that intimately affect him, his livelihood, his individual rights, the welfare of his family and of the small community to which he belongs. *If he is treated with discrimination, arrogance and cruelty, if he is thrown out of his house without any other place of his own where to go, if his property is confiscated without what he believes to be just compensation, or if he is driven to desperation as a result of the present situation, he finds himself losing faith in the Republic and feeling aggrieved against Japan. It is then quite difficult to impress him with the display of his country's flag, with generous donations of clothing and medicines, or with such liberal policies as condonation of Army loans to the Republic, the restoration of public properties to his government, the establishment of a new Philippine currency replacing the military scrip now in use on a basis of parity with the yen, etc.* These high matters of government policy interest the man in the street or the barrio folk but little if at all. The real determinants of his attitude and conduct towards Japan and the Japanese continue to be the incidents of everyday life, the things that happen to him, to his family, to his friends, and to his neighbors. For the Filipino is both simple and worldly-wise. *He bases his judgment on the things he sees around him however seemingly unimportant these may be. A little act of kindness and consideration is worth to him incalculably more than a thousand words of propaganda.*

Nor is the situation among the more enlightened classes any better. One would think that being more reasonable and less sentimental than the common masses, they would be more inclined to judge matters solely on a plan of abstract issues and principles. The truth, however, is that while the educated Filipino who sees the kind of treatment that is meted out to him and his neighbors may be less emotional and violent in his reactions, he is nonetheless deeply affected. With him the violent emotional reaction of the common man becomes a coolly reasoned conviction. Precisely because he is educated, *his sensibilities are more easily violated by acts of injustice, cruelty, discrimination, offensive behavior, and lack of consideration. Moreover, he is better able to distinguish between truth and propaganda, sincerity and pretense. He knows what independence means and what an independent country should be, if it were truly independent. He knows the intimate relationship between political sovereignty and economic independence. He understands much better the difference between*

word and deed, between promise and realization, between principle and action.

In view of these facts, we cannot but admit that one of the most important and pressing problems which confront the Filipino leaders today is *how to convince the people of the reality of Philippine independence* in order that they may all support the Government of the Republic and cooperate with the Japanese Forces *by living in peace, and engaging in useful and productive activities.*

When independence was proclaimed in October, 1943, a great many of those who doubted Japan's true intentions towards the Philippines showed a willingness to change their attitude. They had high hopes for the newly established Republic, and expected to see a material improvement in the conditions then existing, particularly in the relations between Japanese and Filipinos, and between the Japanese and the Philippine authorities. There was, nevertheless, *a good portion of the Filipino people who feared that Philippine independence would not be real but was being declared merely for propaganda purposes.*

From the time the Republic was established, therefore, it has been the constant endeavor of the Filinino leaders to promote and maintain its prestige in the eyes of their own people, and to have it exercise as much as possible the powers and prerogatives to which the government of a sovereign state is entitled, saving only the limitations arising from the exigencies of the war situation as defined in the Pact of Alliance between the Philippines and Japan. To this end, we have appealed to our people, trying to convince them that the independence of our country is real, that Japan's intentions in sponsoring and recognizing it were sincere, and that therefore they should have faith in their Government, assisting it in the work that it is doing, and cooperating to the fullest extent with the Japanese authorities in the Philippines for the accomplishment of the noble purpose envisaged in the said Pact of Alliance.

If the Filipino leaders have not thus far been as successful in their efforts as might be desired, their failure is due to a number of causes, many of them traceable to certain practices which should have been discontinued after our independence was declared. Foremost among these is the kind of treatment to which, from the very beginning of the occupation of the Philippines, a great number of our people have been subjected. In order to better appreciate the harm that has been done as a result of such treatment, an understanding of the Filipino character and psychology is necessary. One of the distinguishing traits of the Filipino is his deep sense of gratitude and obligation. He is very eager to make friends and would even sacrifice principle in the name of friendship. But he is an extremely sensitive individual, sensitive to an act of kindness and generosity as well as to slight insult or injury. A kind act touches both his sense of gratitude and loyalty and he will not feel at ease until he has reciprocated it in even greater measure than he has received. This was shown by the attitude of the Filipinos upon the outbreak of the Greater East Asia War. *Believing that America had been kind and generous to*

them and that therefore they had a debt of gratitude towards that country, and that in fighting by her side they were fighting for the independence of the Philippines, the Filipinos did not hesitate to throw their lot with the Americans in the first stages of the war. Irrespective of what one may say as to whether or not the virtue in this case was misplaced, the virtue itself remains a sound and admirable trait. As a matter of fact, it can or should become the basis for the establishment of enduring friendly relations between the Japanese and Filipino peoples. For to the extent that Japan will treat the Filipinos with justice and understanding, to that extent also will she receive the full measure of Filipino gratitude and loyalty. Needless to say, a contrary policy is bound to produce a contrary result, for the Filipinos are, as I have already stated, a sensitive people. *An injury done to him, to his family, to his friends or to his countrymen will breed in him a feeling of bitterness and hostility that will not be easy to eradicate.*

Another basic trait of the Filipinos is their pride of race and nationality. They resent an affront to their dignity as a people and as individuals. In this respect they are not unlike the Japanese. Japan's appeal to the Filipinos on the ground of racial affinity and equality touches a responsive chord in their hearts, and a concrete manifestation of the avowals to this effect, both in act and in deed, would prove to be one of the most potent factors making for enduring friendship between the two peoples. Thus acts of discrimination should be avoided, and if a Japanese treats a Filipino with arrogance, or if a Japanese goes unpunished for a wrong done to a Filipino, or if more severe punishment is imposed upon a Filipino wrongdoer than is imposed upon a Japanese who commits a similar offense, or if when a Filipino is unjustly maltreated by Japanese civilians he can neither retaliate nor act in simple self-defense and therefore must nurse in his heart a sense of helpless resentment and anger; and if the Filipinos see that Japanese subjects not in the Armed Forces nor in the service of the Embassy act as if they are completely exempt from the operation of Philippine laws and under an authority over and above that of the Republic, or if they see that the military authorities exercise unlimited jurisdiction over the lives and properties of Filipino citizens in total disregard of the prestige and authority of the Government of the Republic,—all these make the Filipinos doubt the sense of fairness of the Japanese and breed in them the belief that the principles of state sovereignty and of racial equality and reciprocity do not apply to the relations between Japanese and Filipinos in the Philippines.

It is regrettable that the basic psychological traits of our people have not been appreciated. Knowledge of them might have avoided the use of methods which, while perhaps effective in dealing with the peoples of other countries, are not suited to the nature, education, and character of the Filipinos.

The practice, for instance, of slapping Filipinos in the face, of tying them to posts or making them kneel in public, at times in the heat of the sun, or beating them—this upon the slightest fault, mistake or provocation,

or without any other reason than failure to understand each other's language,—is certain to create resentment on the part not only of the victim but also of the members of his family, his friends, and the general public. Even more serious is the practice of inflicting cruel, unusual and excessive punishment upon persons arrested on mere suspicion, during their investigation and before their guilt has been established. There have even been cases wherein, because of overcrowding in public places, such as street cars, some Japanese, military or civilian, who were inadvertently jostled or pushed, immediately slapped or beat the persons they thought guilty of pushing them.

Thousands of cases have been reported of people being either burned alive, killed at the point of bayonet, beheaded, beaten without mercy, or otherwise subjected to various methods of physical torture, without distinction as to age or sex. Women and children below fifteen years are known to have been among those who were the victims of such punishment. On many occasions, these killings and punishments were purposely done in public. In my home-town alone, Tiaong, Tayabas, over one hundred were summarily executed during the "zonification" of the people there shortly before the inauguration of the Republic. The same thing was done in Lopez, Tayabas, where not less than this number of people were put to death as recently as March, 1944, upon no evidence but the identification by a secret informer. The cases of these municipalities are merely cited as typical instances of what are common occurrences in other municipalities all over the Islands. The unfortunate thing about all this is that in many cases the victims are really innocent of any crime but are punished merely upon suspicion or upon false denunciation by informers who harbor some private or personal grudge against them, or if they are guilty at all, do not deserve the excessive penalties inflicted upon them. Many have no fault at all except the fact that they have sons or brothers who are members of "guerrilla" bands, or that they have given food or temporary shelter to the latter, under threat of death or physical injuries. If they do not die as a result of the punishment—many do—they are released maimed, crippled, sick and naturally with a feeling of bitter resentment against the injustice done to them, a feeling that is shared by their families and friends and by those who have knowledge of such things.

Many also are the cases wherein people have been arrested taken for questioning, and then disappear completely. No information is ever given to their relatives as to their whereabouts and the nature of the charges against them. While the Philippine Government justifiably feels that it has a right to intervene and ought to intervene in matters which involve the lives and welfare of its citizens, it has not even gone to that extent but has merely tried to help the people who come to it for assistance in securing information concerning those whose disappearance has been reported after having been arrested by the Japanese authorities. In many cases, however, no information whatever concerning their whereabouts or the nature of the charges against them could be obtained.

The proclamation of the independence of the Philippines and the establishment of the Government of the Republic have not minimized these occurrences. They used to be done before and they have continued and continue to be done now. Most of the towns in the provinces are still actually governed by the commanders of the local Japanese garrisons, who treat the municipal mayors as their subordinates even to the extent of beating them publicly, and who continue to arrest and punish people without advising either the local civil authorities or the national government, and naturally without turning over the accused persons to the authorities of the Republic. The only sign of independence is the display of the Filipino flag. Even Japanese civilians consider themselves above Philippine laws, and Filipinos working in Japanese companies are punished summarily by their employers instead of being turned over to the appropriate Philippine authorities.

Because of all these, a considerable number of Filipinos believe that the basic principles underlying the Joint Declaration of Greater East Asia and the Pact of Alliance have been nullified in actual practice. For they know that in both these documents the basic condition of the collaboration between the Philippines and Japan is mutual respect of sovereignty. And to the extent that such respect has not been observed, to that extent also do these Filipinos feel that these documents have lost intrinsic force and value.

Another matter that needs to be mentioned is the practice of exacting collective responsibility for individual acts. If a "guerrilla" happens, for instance, to ride in a *carretela* with other peace-loving and law-abiding citizens who are completely unaware of the former's identity, and that "guerrilla" is arrested, all those who, by pure accident, are riding with him, are also arrested and punished in the same way. Or, when a "guerrilla" is discovered and arrested in one of the small roadside eating places (*carinderia*) in the provinces, the owner of the place and all those who happen to be eating there at the time are also arrested and punished. Similarly, entire barrios and municipalities have been placed in concentration, or their inhabitants exterminated, because they have been unable to prevent "guerrillas" from ambushing and attacking Japanese soldiers passing there, or because some "guerrillas" happened to repair to the place and exacted food or other commodities of the innocent folk, who found themselves helpless because of the threats or coercion employed. Often-times there is no distinction between innocent and guilty, between old and young, or between strong or weak, to such an extent that there have been instances where women and children below fifteen have died as a result of the concentration, excessive punishments and outright executions. In fact, the innocents are usually the only ones who suffer, because the culprits manage to get out or otherwise escape punishment. While in other countries the exaction of collective responsibility may be justified, in the Philippines it is hardly so, because for hundreds of years the Filipinos have been an individualistic people. Besides the fact that they are Malays who are by nature individualistic, their contact with the highly indi-

vidualistic Spaniards and Americans has further developed this racial trait. The Filipino does not usually concern himself with the affairs of his neighbor and consequently does not feel that he should be held to account for them. Admitting that there is need to change this Filipino trait, it seems unreasonable to expect that this change can be effected in a day or a year by forcible and violent methods. It will take a long time and a great deal of training before the Filipinos can learn to live and think and act collectively, and thus to them the punishment of the group for a misdeed of some of them is hard to understand and constitutes a grave form of injustice. The Filipinos must be treated with understanding and patient indulgence if their efforts at re-orientation are to succeed.

One other thing which constitutes a source of mounting dissatisfaction among the people, particularly in the City of Manila, is the fact that many of them have been and are being ordered to evacuate their homes so that the same may be occupied by personnel of the Imperial Japanese Army and Navy. While in the beginning the needs of the Army and Navy for accommodation were attended to with dispatch and with as little inconvenience as possible to the house owners and tenants, the situation has come to such a point that it is no longer possible to do so without actually driving them out into the streets, with no place where they could be sheltered. It is not a question of unwillingness but of physical impossibility for the people to vacate their homes and transfer to others. It is of common knowledge that the housing situation in Manila is already very acute, and hence further demands for evacuation of private residences can only mean that great numbers of people must stay homeless. The Government has received numerous appeals for assistance in this connection, but unless the military and naval authorities themselves take the necessary steps to remedy the situation, no solution to these appeals is humanly possible.

In various provinces, large tracts of land have been taken over for the planting of cotton, horai rice, or for the construction of airfields and other military installations, in most cases without compensation or even a word of explanation given to the owners. If the land taken over is public land or government property, no question can possibly arise, since the Republic is only too willing to provide every facility for Japanese military operations, and where the property belongs to wealthy people, such summary procedure causes no serious injury and may be tolerated. In the majority of cases, however, the lands thus taken over belong to small farmers who own nothing else except such lands on which they are completely dependent for their livelihood. It is believed that in such cases a more tactful policy should be followed by giving the necessary explanation to the small landowners and making arrangements so that they may be compensated for the use of their property either by the Japanese Government or the Government of the Republic, as the case may be.

The incidents and practices which I have described are the cause of constant requests for assistance received by the Philippine Government from the people concerned, and in making representations in their behalf

to the Japanese authorities, the Ministry of Foreign Affairs finds itself in the strange role of an embassy trying, none too successfully, to protect its nationals in the foreign country to which it is accredited.

It is for the foregoing reasons that many Filipinos seem to have but little faith in their government today. They doubt the reality of their country's independence. They consider it as hardly anything more than the display of the Filipino flag, since independence has not minimized the rigors of military rule, particularly in the provinces. They believe that the sovereignty of the Republic which Japan has solemnly pledged to respect, both under the principles embodied in the Joint Declaration of Greater East Asia and the provisions of the Pact of Alliance, is not receiving the consideration it deserves from those who can best give it reality and substance by their own example. Even in Manila the people believe that independence has meaning only for those in the high councils of the government, but none for the ordinary citizens. It becomes, therefore, an increasingly difficult task for the Filipino leaders to convince their people of the noble intentions of Japan in waging the present war and of the sincerity of the pronouncements of the Japanese leaders that Japan came to the Philippines not as conqueror but as liberator. It is difficult for many Filipinos to conceive of Japan as it really is—a nation with a high culture and advanced civilization—because not having been to Japan and not knowing enough of its history, literature or the spirit of its people, they have nothing on which to formulate their opinions except what they actually see and experience in the Philippines, the treatment that they receive at the hands of some Japanese, the injuries that they suffer, the personal indignities to which they are subjected, the inability of their Government to accord them adequate protection and the consequent embarrassment which the Republic has to suffer...

* * * * *

In this connection, it may be recalled how spontaneous was the response of the Filipinos to the early pronouncements of the Japanese leaders who came to the Philippines—that Asia is for the Asians, that Japan entered the war for the liberation of the Orient, and that the purpose of the Japanese expedition here was to emancipate the Filipinos, to let them establish "the Philippines for the Filipinos" as a member of the Co-Prosperity Sphere, and to have them enjoy their own prosperity and culture. They had high hopes for the new régime that was ushered in under such noble and lofty principles. Their enthusiasm, however, was gradually damped, and they suffered disappointment after disappointment on account of the variance between those attractive pronouncements and the events which they actually saw happening and which still continue to happen. If the "guerrillas" have not been diminished, if indeed some of our youth have chosen to join the ranks and shown signs lately of activities which are distinctly political in character, it must be because of such disappointment and the doubt engendered in their minds as to the sincerity of the pronouncements that gave them so much hope before.

Hundreds of cases where Filipinos were the victims of the happenings to which I have referred have come to the attention of the Ministry of Foreign Affairs. Needless to say, many hundreds more and even thousands of similar cases have never been reported to the Philippine authorities either because the aggrieved parties were afraid of reprisals or because they have come to the conclusion that this Republic is impotent to offer protection to its own citizens, and, thinking it impossible to obtain any redress or satisfaction, have preferred to suffer in silence. But they are matters of common knowledge and are the subject of daily talks among the people.

Where innocent and law-abiding private citizens are involved the prestige of the Philippine Government suffers from the fact that these persons, their relatives and friends are thereafter convinced that this Government has neither power nor courage to intervene in behalf of its citizens. Cases involving government officials and employees are even more significant because the maltreatment of government officials constitutes, in the eyes at least of our people, a serious reflection on the prestige and authority of the Government itself. How, in these circumstances, can we demand that our people respect and have confidence in the Government of the Republic when they see that the duly authorized representatives of this Government receive such scant consideration on the part of certain Japanese elements in the Philippines? Is it not natural for a great portion of our people to believe that this Government is only a puppet, having no independent authority of its own, seeing that it is often subject to dictation if not violent interference by the Japanese authorities?

Cases of this nature become all the more serious when they involve the arrest of high ranking authorities of the Government. Without going to the extent of claiming that such officials should be exempt from the operation of military law, it seems reasonable to propose that the arrest of all such officials be done only with the knowledge and consent of the President of the Republic of the Philippines. The arrest sometime ago of Dr. Jose B. L. Reyes, Assistant Solicitor-General and Legal Adviser to the President, is a case in point. Regardless of the merits of this particular case, it would have been expedient at least to have consulted the President on the matter in order to find the best means of doing what was necessary to be done without bringing needless embarrassment upon the Government of the Republic. For, certainly, the damage that one such official can do to the present régime is little compared to the grave injury that the entire Government must suffer whenever it is thus rudely ignored and humiliated before the eyes of its own people.

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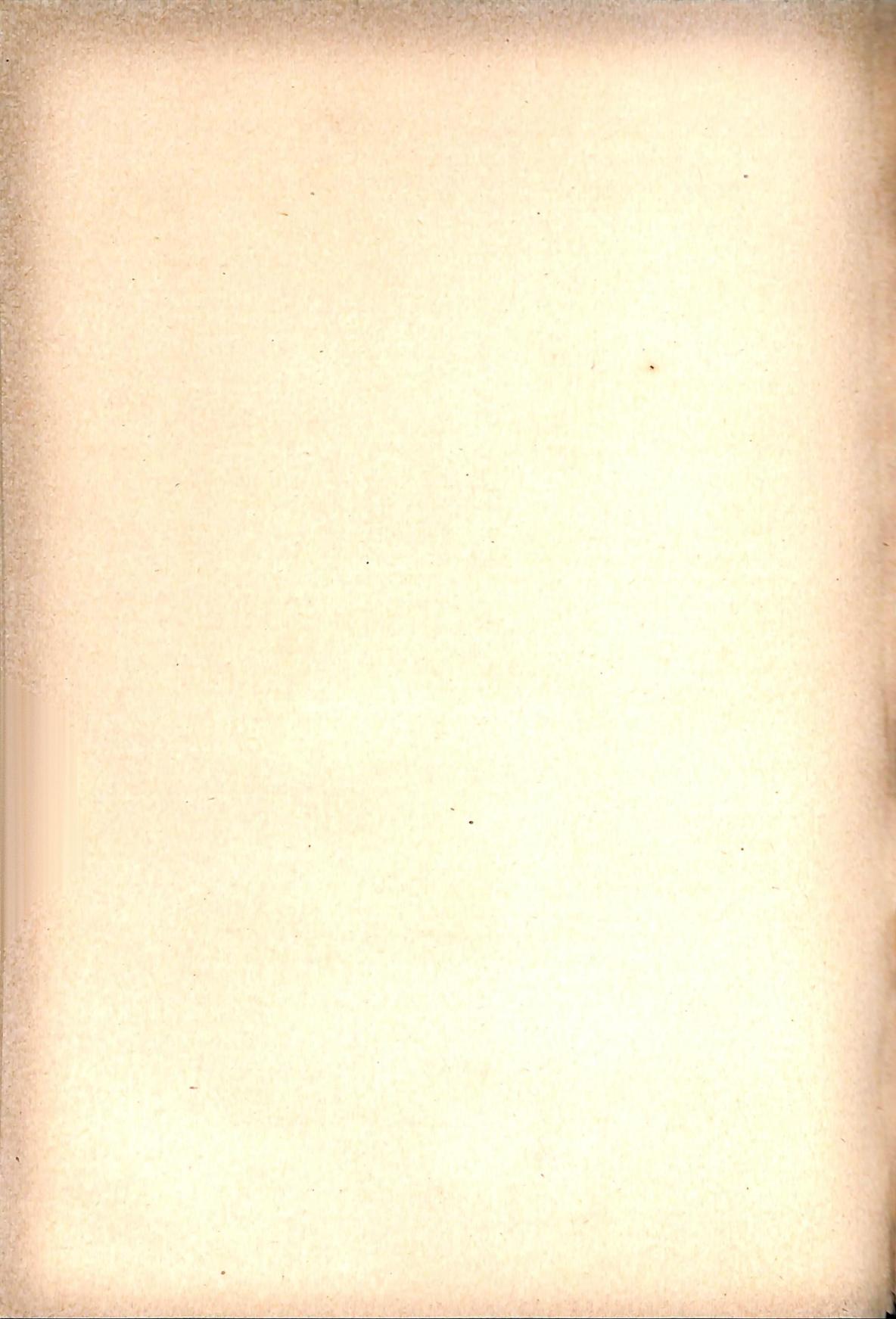
The question suggests its own remedy. Under the terms of the Pact of Alliance, the Filipino people are called upon to render the closest possible economic, political and military collaboration with Japan for the purpose of safeguarding the territorial integrity and independence of the Republic. As far as the resources of the nation are concerned these have

been placed entirely at the disposal of the Japanese Government. But in order to create a united and resolute attitude among the Filipinos in support of the Pact, it is necessary to convince and persuade them that they have a country to defend and an independence to safeguard, and that the basic principle of the Pact of Alliance—mutual respect for sovereignty and territory—is fully observed and upheld. They must be made to feel that this country belongs to them, that they are masters in their own land, that the independence which they have proclaimed and which Japan has recognized is real and authentic. For how, otherwise, would it be possible to induce the Filipino people, or any people for that matter, to defend a country that they may not call their own, or to safeguard an independence that does not exist?

In other words, the Filipino must be given a real stake in the war. He must be given something concrete to fight for—his land, his home, his honor, his freedom and independence, the sovereignty of his Republic—something that will invest with living substance such high principles as Asia for the Asians or such large ideals as the establishment of the Co-Prosperity Sphere.

An invidious comparison is often made between the single-minded and passionate determination of the Japanese people and the disunited and lukewarm attitude of the Filipino people, implying that there must be something fundamentally wrong with the Filipinos. There is no truth in this however. The Filipinos fought for their freedom against overwhelming odds during four centuries of their history. And they will do so again, valiantly and without counting the cost, with a determination not less passionate than that of any other people, whenever they are convinced that it is their freedom and their honor they are fighting for. Consider the attitude and conduct of the Filipinos upon the outbreak of the war in East Asia. The Filipinos fought on the side of America—for what? Certainly not to further the interests and ambitions of America in the Orient, but to defend a land where they had enjoyed a measure of dignity and freedom, and to assure the independence which had been promised to them at a future time. If the Filipinos willingly fought for a dignity and freedom which was far from complete and for an independence which lay far in the future, with what greater readiness would they not fight to defend a dignity and freedom which is complete and an independence which is both actual and real?

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APPENDIX "C"

TRUMAN, ICKES AND OSMEÑA ON COLLABORATION

1. COMMUNICATION FROM SECRETARY ICKES

"Washington, D. C.
"September 11, 1945

"Hon. Sergio Osmeña
"President of the Philippines
"Manila

"Both official and press reports indicate that a substantial number of persons who adhered to the enemy and gave him aid and comfort through their service in the puppet governments during invasion are now holding important offices in various branches of the Commonwealth Government including judiciary. I am informed that you intend to release numerous persons against whom evidence was collected by the United States Army. Your attention is invited to the statement of President Roosevelt on June 29, 1944, that those who have collaborated with the enemy must be removed from authority and influence over the political and economic life of the country. It was intended that this statement would serve as a guide to the policy of the Commonwealth and that the Commonwealth would find the means of effectively investigating charges and speedily trying the offenders before courts or tribunals composed of judges of unquestioned loyalty. I deem it essential that this task be completed before the holding of the next Commonwealth general elections and I would call the attention of your Government to the probable reluctance with which funds may be appropriated for relief rehabilitation and support of the Commonwealth Government if it becomes generally believed that that government has failed diligently and firmly to convict and punish those guilty of collaboration.

"HAROLD L. ICKES
"*Secretary of the Interior.*"

2. REPLY OF PRESIDENT OSMEÑA

"Manila, Sept. 12, 1945

"Hon. Harold L. Ickes
"Secretary of the Interior
"Washington, D. C.

"In reply to your telegram of September eleven I desire to state that information given you that I intend to release numerous persons against whom evidence was collected by the U. S. Army is erroneous stop Persons kept in detention by Counter Intelligence Corps of U. S. Army and later delivered to the Commonwealth Government have been ordered detained by me even beyond the period of six hours permitted by the criminal laws of the Philippines stop A few of them have been temporarily released on bail as determined by the Department of Justice pending presentation of charges against them and their trial before the courts stop The Philippine Congress has enacted a law creating a special court to try all persons accused of collaboration with the enemy stop The judges of this court will be persons who never served in any capacity under the puppet governments and the prosecutors are chiefly recruited from Army judge advocates and guerrilla leaders stop Doubtless the prosecution of alleged collaborators will be diligently conducted and those found guilty will be promptly punished in accordance with law paragraph We have never knowingly reinstated any official whom the U. S. Army authorities have detained for collaboration stop Several officials and employees who continued in their posts during the puppet régime but committed no hostile act against the Philippine or American Government have been reinstated by me in Executive or Judicial branches after they had been cleared by the Counter Intelligence Corps of the U. S. Army stop I reinstated them on the basis of the views I expressed in a speech I delivered last November shortly after the landing of American forces in Leyte and after consultation with Army authorities stop In conferences on the subject of collaboration held in Washington with Secretary of War Stimson first by me and later by Secretary Hernandez this Leyte speech was substantially approved as a proper basis of action in pursuance of the policy enunciated by President Roosevelt on the subject.

"SERGIO OSMEÑA."

3. PRESIDENT TRUMAN'S DIRECTIVE

WHILE the mass of the Filipino people and many of their leaders remained staunchly loyal during invasion and rendered invaluable assistance to our arms, it is necessary to admit that many persons served under the puppet government's sponsored by the enemy.

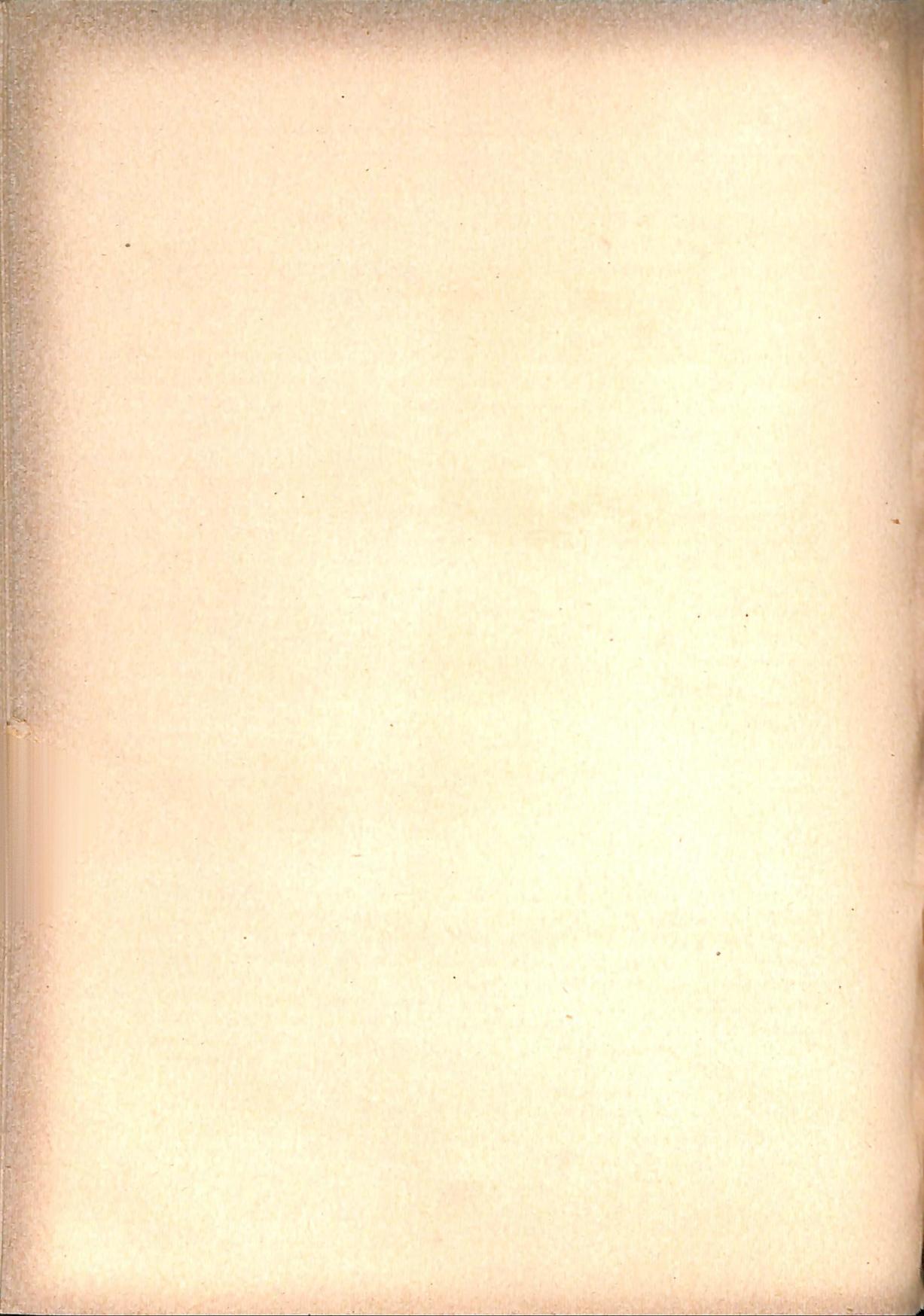
Some of these, especially those engaged in health and educational work, remained at posts of duty with an evident intention to sustain the physical and cultural welfare of their people. Others of the clerical and custodial services continued in office in order to earn their accustomed livelihood and participated in no way in enemy policy.

But, regrettably, a number of persons prominent in the political life of the country assisted the enemy in the formulation and enforcement of his political policies and the spread of his propaganda. Others in the field of trade and finance seized upon the occasion to enrich themselves in property and money at the expense of their countrymen.

Reports have appeared in the press which indicate that a number of persons who gave aid and comfort to the enemy are now holding important offices in the Commonwealth government. Reports further indicate that the Commonwealth Government is only beginning to investigate, charge, and try the offenders.

It is essential that this task be completed before the holding of the next Commonwealth general election. Considering that disloyalty to the Commonwealth is disloyalty to the United States, I request that you send experienced personnel to the Philippines to discover the status and to recommend such action as may be appropriately taken by the United States. Such recommendations should be made through the United States High Commissioner to the Philippine Islands.

I am further requesting that the secretaries of War and Navy direct the staffs of their intelligence sections to cooperate with you and make available to you all records and evidence bearing on this important problem. Representatives of the Federal bureau of Investigation assigned to the Philippines should be directed to report through the United States High Commissioner in connection with this and other operations in the Philippine Islands.



APPENDIX "D"

"ASIATIC MONROEISM"

A PREDICTION THAT CAME TRUE

THE RECTO-KALAW DEBATE IN 1927 ON THE SUBJECT OF "ASIATIC MONROEISM".

"Asiatic Monroeism", the predecessor of Japan's "East Asia Co-Prosperity Sphere", was the subject of a lively political debate carried on through the TTV (Tribune, Vanguardia, Taliba) publications in the year 1927 between Prof. Maximo M. Kalaw, then Dean of the College of liberal arts and professor of Political Science in the University of the Philippines, and Attorney Claro M. Recto, then the leader of the opposition in the Philippine House of Representatives. The debate started with an article by Mr. Recto, entitled "Philippine independence and the balance of Power in the Far East," of which the following are excerpts:

* * * * *

An imperialistic Japan or an imperialistic China cannot for this reason be considered out of tune in our picture of the future. The Chinese are much too busy with their domestic strife to be an immediate menace to their neighbors or to the world. Nor will China, for some time to come, be in a position to lead any Pan-Asiatic movement for the exclusion of the whites from the paradise of the Pacific. Being scarcely able to help herself, she will not be able to help others. But Japan, which has an admirable national discipline and a lofty, pure patriotism that have made her one of the first powers of the world and the first in the East, has annexed Korea and Formosa (the latter by cession on the part of China), and has established a foothold in a goodly portion of Chinese territory. I refer particularly to Manchuria, where the disorganization of the Peking Government and the Russian debacle after 1917 have helped to strengthen the political and economic sway of Japan.

It is true that when Japan annexed Korea and Formosa, she alleged reasons of national security, because the occupation of these two countries by a western power would have imperilled her integrity and independence. She invoked the same reasons when she presented the famous twenty-one demands to China, alleging that in view of the chaos that prevailed in the neighboring republic, a third power might seize one or more of the strategic points thereof and from them menace Japan directly. But these explanations did not satisfy the world, much less the Koreans and the Chinese, and the accusation still exists that the real motive of Japan was not, in the case of Korea, to check Russian advance, but to acquire new territories to take care of her surplus population and supply her with raw materials, which the soil of Japan produces in limited quantities or not at all, and in the case of China, to acquire a good market

for her industrial products. This need for new territories continues to be one of the most pressing problems by which Japan is confronted, because Korea and Japan are excessively populated and, on the other hand, the United States, Australia, and New Zealand have established unsurmountable barriers against immigration of Japanese. Even in East Siberia, Manchuria, and Mongolia, Japan encounters not only an obstacle in Russia but also the annoying opposition of the United States, which country, while it enforces the Monroe Doctrine on the continent of America, demands the policy of the open door in the Far East.

When Japan finds herself without a market for her manufactured products owing to ever higher protective tariff barriers of Europe and America; when she feels herself smothering under the density of her population, which foreign exclusion laws prevent from emigrating; and when she can no longer bear the weight of taxation, which increases in direct proportion to the growing volume of her naval budget, because the disarmament conferences have so far been unable to stop the powers in their mad race for armament, it will not be surprising if she then decides to expand along the line of least resistance, where she will find an independent Philippines whose defenceless coasts are wide open to any one desiring to enter.

On the other hand, China, as soon as she has finally settled her most important domestic problems, such as the definite reconstitution of her government and the straightening out of her finances, will be a powerful new factor that we must consider with regard to our security from the outside. The density of China's population will force it to overflow the Chinese frontiers. Chinese immigration, if not circumscribed within proper limits, will be one of the most difficult problems that will confront our country. As in the United States, it will not be a racial problem but an essentially economic problem. The Chinese, whose business ability far surpasses ours (it has been seen in practice that where a Chinese has established his business and a Filipino in competition, the latter has always been compelled to close shop, though his customers were all Filipinos), will become the absolute owners of our trade, and as regards competition in manual labor, the Chinese laborer, owing to his lower standard of living and his better habits of social discipline, will end by driving the native from field and shop. This will be the origin of serious social problems which are liable to imperil the stability of our national structure.

There cannot be any talk of exclusion laws, because such laws can be enacted only by a country which has a navy, like the United States, with which to enforce such laws by terror or intimidation. Moreover, any incident in which a Chinese or Japanese loses his life will be sufficient to bring about intervention on the part of the country concerned, with its sequel of naval demonstrations, the landing of troops, punitive expeditions, and pecuniary indemnities, if not loss of territory or of the national independence.

An Asiatic Monroeism will, therefore, bring with it no advantages, but serious disadvantages as far as the Philippines is concerned. Fortunately, in view of the policy which the United States has decidedly adopted in this hemisphere, we may discard Asiatic Monroeism as a permanent solution to the problems of the Far East. Neither the United States nor the British dominions in the Pacific will consent to it. As to domination of the East by the western powers, this is a supposition that must also be eliminated, because Japan and China will fight to the bitter end to prevent it, and the United States and Great Britain will not care to engage in a war so costly and of such uncertain results, the unjust provocation of which on their part would destroy their prestige in the eyes of the world.

The best plan, not only as regards world peace but also as far as the future of the Philippines is concerned, seems to be to create a balance in the Pacific between the powers of the East and those of the West which have large economic interests here, such as the United States and Great Britain, a balance of power similar to that which has existed and exists in Europe, and which in that old continent has served to insure the independence and integrity of the small states. But that balance of power in the East will have to be established not only without sacrificing the sovereignty of small countries like the Philippines, but on the condition that such sovereignty shall be respected and preserved, in the interest of the powers themselves, in order to prevent any of them from obtaining advantages to the prejudice of the others.

The powers must maintain the balance in the Far East on the basis of the independence of the Philippines and of the other countries of Asia. They must extend to our country the doctrine of the open door which they preached for China, the basic conditions of which are respect for her sovereignty and the maintenance of her territorial integrity.

We do not want the white race to rule the Far East; but we do not want, either, to have an Asiatic Monroe Doctrine established here under the leadership of Japan or China, because we do not want to be absorbed by any power of the East, as certain small republics of Central and South America have been or will be absorbed by the United States. Just as the motto "America for the Americans" became in time "America for the United States of America," so, we fear, the slogan "Asia for the Asiatics" will in practice be replaced by "Asia for Japan" or "Asia for China," as the case may be. We desire the Western influence to remain in the Far East, but only to the extent necessary to effectively check any improper influence by China and Japan.

The United States, Great Britain, and the British dominions in the Pacific will be able, if they so desire, to play the part of the regulator in the Far East.

August, 1927.

A few days after the preceding article appeared in the newspapers "Tribune", "Vanguardia" and "Taliba", Professor Kalaw published in

the same newspapers an article entitled "An Asiatic Monroe Doctrine vs. The Balance of Power", in which he dissented from the views expressed in Mr. Recto's article. Professor Kalaw condensed his conclusions in the following paragraphs:

"The balance of power has at times prevented war or postponed war; but it has also caused wars and terrible wars. Unnatural alliances, intrigues, territorial ambitions, secret treaties, and competitive armaments are the by-products of the system. It has many times sacrificed the fate of small nations. It has often become a cloak under which sovereigns or peoples have committed the most atrocious crimes.

With Asia left to the Asiatics, may we not conceive of other probable balances of power among Asiatic nations themselves? May not other nations still submerged, like Java and India and an enlarged Siam be, together with an independent Philippines, of sufficient strength to offset the possible aggressive ambitions of China or Japan?

I see no other course of action of the Philippines except to be with Asia. Geographically and racially we belong to Asia. We must stand by her; we must have faith in her. I, for one, believe that given the time and opportunity, Asia can take care of herself.

Across the consciousness of the entire continent from the barren wastes of Arabia to the sunny fields of Japan, the writing can be plainly read. White domination must go.

'We have come to the end of the white man's world domination,' says Upton Close. 'We have come to the beginning of the white and colored man's joint world in which each shall have control in his own house and a proportionate say in the general convocation of humanity.'

Even if we wish it, we cannot detain Asia in her march towards freedom. And we cannot afford to be branded a traitor to her cause, for it is also our cause."

September, 1927.

Professor Kalaw elicited from Atty. Recto a rejoinder in the form of an article entitled 'The Wolf and the lambs in Asiatic Monroeism'. excerpts from which follow:

The other day, a distinguished professor of the State University, climbing to the summit of his political erudition, announced, after sending greetings of geographical fraternity to Afghanistan and to the republic of Kemal Pasha, the coming end of the rule of the white race in the East, and asked for the same thing for which the Japanese have been asking since the treaty of Portsmouth: a Monroe doctrine for Asia.

His Asiatic enthusiasm kept him from perceiving that the Monroeism he coveted does not mean, and will never mean, "Asia for the Asiatics," but "Asia for Japan" or for the leading Asiatic power of the future, which may be China and possibly Russia, a country which is becoming more of an Asiatic than an European Power every day, not only because the larger portion of its territory lies now in Asia but also because its new

social and political structure has isolated it from Europe and it has for this reason introduced itself into Persia, Afghanistan, India, and China, thanks to the tremendous force of proselytism and expansion of its attractive system of thought.

At present and for some time to come, *an Asiatic Monroe Doctrine can mean nothing else but Asia for Japan*. This truth is so evident that until the distinguished professor conceived the intrepid idea of proclaiming that pompous doctrine, no one had dared to do so except the Japanese, to whom it synthetizes *their decided aspiration to rule the Pacific to the exclusion of the white nations and with the submission of the other Orientals*, of whom the Japanese are at least a century ahead as far as military preparedness and industrial and economic development are concerned.

I fear that for the Filipinos, Asiatic Monroeism will never be more than a hollow, high-sounding phrase, such as the American Monroe Doctrine must be to a person from Honduras or Nicaragua. American Monroeism has saved the republics of Central and South America from European interference; but we know that it has not saved them from interference by the United States. *Asiatic Monroeism will be a mere substitution of the rule in Asia by the Japanese*, or perhaps the Chinese or possibly the Soviets. Given a propitious opportunity, Japanese imperialism has shown itself to be more aggressive than the imperialism of the United States. *What shall we gain by the change?*

When Monroe formulated his famous doctrine in 1823, its character and tendency appeared to be merely defensive. But the rapid and extraordinary growth of the United States caused those who governed the nation, irrespective of political affiliation, to adopt an aggressive policy of expansion, and we have seen how in less than a century that doctrine has become the most faithful ally of North American imperialism in its advance southward.

With such a magnificent precedent, the distinguished professor of political science of the State University still advocates the establishment of a Monroe doctrine for Asia as the best solution to the problem of external security of the Philippines when the Islands shall have become independent.

But even supposing that the development of American Monroeism has been entirely compatible with the integrity and independence of the countries in which it has made its action and influence felt, it still remains to be shown whether, *in case an Asiatic Monroe Doctrine is established, the power constituting itself into the leader of Asia will limit its leadership to the legitimate activities of commerce, or whether it will be guilty of outrages against the political sovereignty and territorial integrity of the small peoples of this continent*.

Japan being the first power in the East at the present time, Asiatic Monroeism must be considered in terms of the leadership of that country, with the understanding that a similar situation will ensue if, at some future time, such leadership is transferred to China or to any other Asiatic power, because, as I said in my first article, imperialism is not the

exclusive attribute of any race or nation, but is a natural consequence of the development of energetic and aggressive nations, who feel they are stifling within their frontiers and must seek an outlet elsewhere for their surplus population and dynamic force.

The foreign policy of Japan with regard to China since the beginning of the great war gives us an idea of what its foreign policy is likely to be later with reference to the other peoples of Asia that are in the path of her commercial expansion.

In November, 1914, Count Okuma made the following declaration before the world:

"I believe that in two or three centuries there will be only a few governing powers in the world. The others will be governed by them and will render homage to the mighty. In other words, only four or five nations will complete their development and the others will be joined to them by accession."

Obviously for reasons of delicacy, Count Okuma did not mention Japan as one of the five nations which, according to him, will rule the world. But since he mentioned only the names of four of them, it is evident that he meant to say that his country was the fifth of those powers.

In 1915, Japan, taking advantage of the European strife and the circumstance that the powers were unable to occupy themselves with Far Eastern affairs, presented to China the famous twenty-one demands, total acceptance of which would practically have made of China a colony of the empire. Since the conclusion of the (first) world war, Japan has been forced to moderate her plans and has restored Shantung to China, yielding to pressure on the part of the United States, which insisted on the application of the "open door." It may, however, be affirmed that the new conciliatory policy of Japan signifies a definite renunciation of her old aspiration of going on extending her sphere of "special interests" in China.

This clearly shows that the chief obstacle to Japan's vertiginous imperialistic career is the presence in the East of the western powers, especially of the United States, and that on the day these powers are ousted from this latitude by an Asiatic Monroe Doctrine, *the Philippines, which lies in the way of Japanese expansion, will fulfill the destiny assigned to it by Count Okuma: to do homage to the mighty and to allow the strongest to rule. Is that where our doctors in political science are headed for?*

It is not worth while to take up the argument that the Japanese will not come to the Philippines because of the unfavorable climatic conditions here. It does not appear that the Japanese residing here have at any time been decimated by the rigors of our climate. But even if it were true that the peculiarities of our climate are not the best suited to the physical constitution of the Japanese, on the day the latter feel that their territory is too small for them, as they have already begun to feel, they will not have any scruples concerning the climate, but, being unable to overcome the barriers of the exclusion laws of America and of the British dominions in the Pacific, they will direct their expansion towards coun-

tries adjacent to theirs where resistance is easily overcome. One must not forget that Formosa is much closer to the Philippines than to Japan. Our professor of political science tells the Japanese to go to Borneo or Celebes; but I fear the Japanese will not heed this amiable suggestion of the Filipino professor but will prefer to come to the Philippines, where their general export trade, their fishing industry along our coasts, and their hemp plantations in the South are, thanks to a silently tenacious effort, acquiring considerable proportions.

The Japanese are very circumspect. Can it not be surmised that if they have preferred until now not to emigrate to the Islands in large numbers, it is because they do not want to lay their cards on the table before it is time? Japan can afford to wait a while and make the necessary arrangements to have her population adjust itself to the capacity of her present territory. But when the tension reaches its maximum and peaceful solutions no longer suffice, it will not be strange if Japan should adopt the course imposed upon her by her national needs, in spite of any power, especially a small one, that may stand in her way.

In referring to the powers that, in a future not far removed, will assume control of affairs in Asia, our professor of political science forgets to include Russia, although the most absorbing event of the present time is the success of Soviet diplomacy and propaganda throughout the East, particularly in China, whose aggressive nationalism is nourished by the modern Bolshevik ideas.

It must be acknowledged that the sagacious diplomacy of Moscow has ousted the old chancelleries of the Occidental from their traditional strongholds. Abraham Adolph Jaffe and his group of able propagandists have apparently taken hold of the mentality of young China and inspired the leaders of the great Chinese nationalistic movement against the imperialism and the privileges of the Europeans. Moscow has even stationed in China military strategists who are engaged in training the young men in the arts of modern warfare. Bolshevik gold has played a part in the work of organizing the local committees, and constant shipments of arms are coming in from Moscow. The boycott of British goods throughout South China, which has done considerable harm not only to British commerce but also to British prestige in the East, seems to have been inspired and organized by the Soviet advisers of Chinese nationalism.

The theories of communism have not yet found acceptance in China, because Russian propaganda is concentrating its attacks upon the imperialism and privileges of the white nations; but all that is yet to come. The proletariat of China is exceedingly numerous and has suffered more than any other class under the old dogma of capitalism, and it is quite possible that Soviet doctrines will completely upset the social and industrial organization of China. Russian propaganda tends, in the last analysis, to destroy the old capitalistic régime, wherever it may be, and it will not be very long before we see in China, after the question of the western privileges is solved, the opening of this second and more important chapter

of communist propaganda in the East. Russia understands, of course, that the success of this campaign depends upon the previous destruction of the influence and the political and territorial privileges of the Europeans, who, through their commercial and diplomatic agents, set up annoying obstacles in the path of her propaganda.

China and Russia, separately or jointly, are now plainly visible behind Japan, which indisputably holds the center of the stage at this time, as possible champions in the future of an Asiatic Monroe Doctrine if that idea ever materializes. The Philippines will be beset, on the one hand, by the major problem of Chinese immigration, the solution of which is not to be conjectured at this time, and, on the other hand, by the avalanche of communistic ideas which would undermine the foundation of the traditional system of property which is the corner-stone of the present civilization. All this would happen if western influence were completely swept away from Asia by the great Pan-Asiatic movement directed and fostered by Soviet Russia.

Are we prepared to face these two great contingencies? Or will the events of the future surprise us like a thief in the night and find us utterly unprepared? If the conflict were to be decided by parliamentary debate or by academic or legal discussion, we could be hopeful of success, because that is where we excel. But the matter will be fought out in the economic field and on the field of battle, too, because war has often been the natural sequel to a conflict of economic interests. In a contest like that we would be put *hors de combat* in the first encounter. It is not necessary to say a word about military preparedness. We have none of the means of defence known in ancient or modern warfare. Since the United States is not preparing us in this important aspect of our national defence, which makes one doubt the good faith of her purposes in the Philippines, it is certain that when that great Republic decides to leave our country, either of its own accord or under the pressure of new international complications, we shall find ourselves completely defenceless in front of dangerously armed nations, whose populations will then be overflowing their frontiers.

What can you expect, in the economic struggles of the present, of a nation like ours which, with the exception of a dozen individuals, is composed of politicians, lawyers, professors, academicians, holders of college degrees of all sorts, public employees, in one word men strong in theory but not in practice? We are, no doubt, an intelligent people, endowed with a marvelous power of assimilation, capable of learning in a short time what we are taught; but the influence of Spanish scholasticism on one hand and our political condition on the other have kept our aptitudes on the narrow path of the liberal professions, with the result that our people, strong in the exclusively academic education of the middle ages, find themselves an anachronism in the midst of the present century struggles, which are essentially struggles for economic supremacy. Past masters, *nemine discrepante*, in the disciplines of Aristotle and St. Thomas, we

have hardly the rudiments of the empirical knowledge which is necessary in order to triumph in the struggles of modern times. This situation has brought about the national disequilibrium which we all deplore but cannot remedy, and which consists in our living in a feudal castle of the finest theories, while the national wealth represented by our commerce and industry is almost entirely in the hands of foreigners.

If, after we have regained our independence, and while our military and economic preparation goes on, the necessary balance of power between equally strong rival forces is not maintained, our nationality, that is, the *ensemble* of the political, cultural and economic values of our country, will perish at the hands of the power or powers having the supremacy in the East. God will have to work a miracle if under such circumstances the law of the survival of the fittest will not once more prevail.

A league or *entente* between the Philippines, Java, and Siam, as proposed by our professor of political science, for the purpose of neutralizing any possible policy of aggression on the part of China, Russia or Japan, would no doubt be very interesting, but would have the disadvantage that it would not be taken seriously.

We liberal spirits hail with rejoicing the dawn of a new day for the peoples of Asia, because we desire to see an end to the secular domination, the insulting arrogance, and the false caste privileges of the "white man" in the East. But we small peoples of Asia desire something more: our complete freedom, and for this reason we detest the idea that other Orientals may afterwards do to us what the Occidentals did before. The domination of Asiatics by Occidentals is no more odious than that of Asiatics by Asiatics.

But the termination of the rule of the white race in the East is one thing, and the maintenance here of its culture and its commerce, on a basis of equality of rights and opportunities, in order to preserve the necessary equilibrium between those two great agencies of civilization, the East and the West, is another. The "splendid isolation" which at one time characterized the British policy in the Old World has become indefensible since the air lines accomplished the marvel of reducing the size of our planet one hundred times and destroyed the legend of the impregnability of certain territories.

In order that Asiatic Monroeism may be a blessing for the small nations of Asia and at the same time a safeguard of the peace of the world, it must presuppose the preservation in this hemisphere of the levelling influence of the West—the balance to which I have referred—so long as the frontiers are not abolished and so long as the plan of consolidating

all peoples into one world state to replace the present fragmentary organization of nations has not materialized.

September, 1927.

Professor Kalaw fired back with another article, "Recto's Asiatic Wolf vs. The Den of Beasts of Europe", of which the following is a resumé:

A mandatory, if we were to admit metaphorically that Japan would play the part of the wolf, could not cause one tenth of the ravages caused by the Den of Wild Beasts of Europe.

We Asiatics owe Japan a service of inestimable value. Her victory over a white nation, Russia, at a time when all Asia was frightened and apparently cowed by the incomparable beasts of the West, marked the dawn of a new hope, a hope that was kindled in the hearts of all Asiatics and from which sprang the present continental uprising against the rule of the whites.

In the two articles of the leader of the minority there seems to be evidenced a fear of immediate and absolute independence, which is the platform of his party and of the majority party. If I may be permitted to voice a different opinion, I would say that complete and immediate independence would be safe at present. The European powers are all on the defensive in Asia and would not dare to plan new conquests. The best they could expect would be to keep what they now have a little longer. Japan has changed her policy and is now striving to gain the friendship of her neighbors, and China will probably be busy straightening out her domestic affairs for the next twenty or thirty years. The best guaranty of independence will be the Filipinos themselves. If we protect foreign lives and property here and our people shows the same patriotism as in the past, no nation will dare touch us.

Sept. 1927.

In reply to the second article of Professor Kalaw, a third article, "The Chimera of a Professor and the firecracker of immediate independence", from which the following passages are taken, was published by Mr. Recto in the above mentioned newspapers:

I could consider this debate concluded with my second article and the reply to it by the Monroeist professor. But my distinguished opponent, no longer confining himself to the question at issue, has introduced confusion into the debate by insinuating, with malevolent intent, that I am pro-Occidental and anti-Japanese and that I have with my pessimistic lucubrations on the problems of the Pacific furnished an excellent argument to the enemies of our cause.

I shall pass over the pro-European and also over the anti-Japanese charge, though nothing that I have said with regard to Asiatic Monroe-

ism justifies the rash accusations of the professor of political science. My words "We liberal spirits hail with rejoicing the dawn of a new day for the peoples of Asia, because we desire to see an end to the secular domination, the insulting arrogance, and the false caste privileges of the 'white man' in the East," have been construed as "a weakness for the Occidental powers" and "a petition that these remain in Asia." And because I said that "the national needs of Japan will determine the course of her expansion" and that "unfortunately the Philippines are in the path of her commercial expansion," some one has deemed it necessary to warn us "to be fair to Japan."

There are persons who close their eyes to danger, in the belief that it is sufficient not to look at it in order to make it disappear. There are others, however, who prefer to look it square in the face in order to measure its strength and to parry the blow or mitigate its effects.

The yellow peril is a real peril, even though our doctors of political science refuse to, or cannot, see it. It is recognized by the Western powers, and I fail to understand how it can be overlooked by us who may be said to be living on the outskirts of Japan. This affirmation cannot be considered an offence to the people of the great Asiatic empire. The danger does not consist precisely in Japan being aggressive by instinct or on account of the education she has received from the Occidentals. *It lies rather in our own weakness, in our not being in condition to emerge anywhere near successfully from one of those modern contests in which a people can become involved against its will*, because nothing is more susceptible of complications and entanglements than international relations. This is where the real danger lies as far as we are concerned. A weak and wealthy neighbor is too great a temptation for a vigorous neighbor with a voracious appetite. If we were strong in the military and economic sense, we should have nothing to fear, even though we had neighbors with aggressive tendencies. A hurricane is a danger to the poor dweller in a nipa hut but not to the man who lives in a building of reinforced concrete. *The Philippines is a nipa hut in the path of the formidable typhoon which, according to the political barometers, is sweeping or is about to sweep the Pacific. What shall we do, we who dwell in so frail a house? The doctors of political science, after peering into the future, counsel us to rest easy because nothing can happen to us.*

There are Filipinos who desire the liberty of their country because they do not believe in any danger from outside and imagine they will not be required to pay any price for independence, but will be able to enjoy it in *comfort, carefree, in the dolce far niente of irresponsibility*. They would probably not desire independence if they knew that the danger is real and that the price must be paid. There are others, on the other hand, who are anxious to see their country free, though they are aware of the encircling danger, because they are ready to pay any price for liberty.

Our esteemed professor has voluntarily catalogued himself as belonging to the group first mentioned.

Frankly, I believe that no more effective argument could be advanced in favor of immediate independence for the Philippines than the danger of foreign aggression, whether it come from Japan, or from China, or from some other direction. Since that danger will not be momentary, but permanent, it will some day be necessary to face it with determination. In our present state of dependence we shall never be prepared for this eventuality. The United States is not doing anything to that effect, and our leaders do not see the timeliness of preparing a program of national defense for the construction of armaments and the training of the men who will have to wield the arms. If the United States decides to leave our country at any time, she will, if the present state of affairs continues, leave us without the most elementary means of maintaining the security of our coast line.

On the other hand, if granted independence now, we shall be in a situation to get to work immediately and our people, if called upon to create an adequate system of national defence, will respond promptly with that patriotism and spirit of sacrifice which have been put to the test on more than one occasion.

It would be childish to try to convince those Americans who point out the Japanese danger as a reason against our independence, that such danger does not exist, because such an argument would show our lack of political maturity and our ignorance of the events that are going on around us. It would be more proper to admit the existence of that danger and *to ask the Americans, on our part, what the sovereign country is doing by way of enabling us to face it when we alone shall be responsible for our destiny.* If America is not doing anything, she had better leave us as soon as possible in order that we may do it ourselves. If we become victims of aggression while we are getting ready, we shall have paid for our liberty the same price that other nations have paid for theirs.

I said in my second article, which called forth a second reply from the professor of political science: "*Neither the domination of Asiatic by Occidental nor that of Asiatic by Asiatic.*" *In this phrase I attempted to restate the policy which, in my humble judgment, should thereafter govern the relations between whites and Asiatics in our continent.* But the professor, after comparing the wild beasts of Europe with the Asiatic wolf, has given the preference to the latter. As far as I am concerned, this is a choice between wild beasts; and, to say the truth, the idea of being devoured either by the beasts of Europe or by the Asiatic wolf is not a pleasant one. I do not say that it would be to our interest if they devoured each other, because such a desire would be inhuman and selfish. But let them at least keep a watchful eye on each other in order that their rival instincts may neutralize each other. A great thinker has said that in the present state of the relations between nations, one must create interests rather than affections in order to triumph or survive.

Of course, Japan cannot possess herself of all of Asia, even if she is allowed to roam at will on the Asiatic continent. This idea consoles the professor of political science, because India, Afghanistan, Arabia, Asiatic Turkey, Java, China, and Siam will be free from the Asiatic wolf. As it appears, our professor is considerably worried over the future of those nations of Asia. It is his geographical love which extends to the last foot of Asiatic soil. The professor does not seem to worry overmuch about the fate of the Philippines so long as the future of those other nations of Asia is assured. *However, it occurs to me that if Japan, yielding to the pressure of a national need, decides, once freed from the annoying interference of the Occident, to expand to some part of Asia, she will not go first to India, Arabia, or Afghanistan, but there is no doubt that the first territory she will overrun will be the Philippines.* This, of course, is a thing of small importance to an Asiatic Monroeist whose devotion extends to the vast plains of India and Afghanistan.

According to our professor, the victory of Japan over Russia in 1905 must be a source of pride to Asiatics and is a debt to the empire of the Mikado which they must acknowledge. To be just, we have to credit the Asiatic with his share of that victory and the Occidental with his, because it was made possible by the active collaboration of the Occident. Asia is fighting Europe with Occidental weapons. The so-called awakening of Asia is the result of its westernization. The leaders of Young Turkey come from European institutions. Ghandi, the Indian leader, was educated in London. The students who are the soul of Chinese nationalism and who direct the great movement to abolish European privileges received their education in American universities. The Japanese leaders are European-trained; Tan Malacca himself is a product of a Dutch university.

With particular reference to Japan, it must be confessed that she was built up as a first-rate military and economic power on western foundations. Before Perry's visit, Japan was living in the middle ages. Upon seeing the American squadron and the modern mechanical inventions which the great commodore brought with him, Japan realized her backwardness and decided to join the great movement of civilization.

I am astonished at the temerity with which our professor affirms that Japan learned nothing but depredations from the Occident. Predatory acts being instinctive, they need not be learned from anybody. The Japanese themselves acknowledge that the American commodore opened the door of modern times to their country. If the scruples of the Mikado had prevailed over the wise counsel of the Shogun, Japan would now be just another "sphere of influence" of an Occidental power.

Japan carried her western education to the extent of germanizing her army and patterning her political institutions after those of England. In economic respects, she soon assimilated all the industrial progress of the Occident. Japan's efforts in the brief space of half a century have been superhuman and her achievements are unparalleled in the history of any country.

Notwithstanding her western training, Japan would not have waged war against Russia had it not been for the Anglo-Japanese alliance. And once the war was under way, Japan would have found it difficult to carry it on successfully if it had not been for the moral and financial aid of Great Britain and the sympathetic neutrality of the United States. There was the circumstance that the activities of Russia in Manchuria had resulted in animosity towards the government of the Czar on the part of the two powers mentioned. If the war had continued after Portsmouth, its final outcome might have been different. Japan was so near exhaustion at the time the Portsmouth conference was held that the Russian general, aware of this, begged the Czar to continue the war. The intervention of President Roosevelt and other prominent Americans prevented resumption of hostilities, to the great advantage of Japan.

Our professor maintains that Japan has completely changed her Asiatic policy. But it does not seem to be out of place to inquire until when Japan will continue with this new policy. He admits that this change is chiefly due to the termination of the alliance of Japan with Great Britain. But he does not say that it is also due, in part, to pressure brought to bear by the United States. The change, therefore, rather than being voluntary, has been imposed by circumstances. Japan is passing through such terrible and trying domestic crises and the burden of her foreign debt is so great, that she does not consider herself in a position to follow an aggressive policy in the Orient. The restitution of Shantung does not seem to have been inspired by natural sympathy for China. The reason must have been the same that prevented Japan from keeping South Manchuria, which she had secured from China in 1895 by the treaty of Shimoseki. As may be observed, the Occidental powers have often obstructed the imperialistic career of Japan in Asia.

The new policy of attraction inaugurated by Japan in China cannot be taken as a definite indication of her future Asiatic policy. The stages through which her policy in Korea passed until it culminated in the annexation of that ancient kingdom do not justify the optimism of our professor. In the series of treaties and agreements entered into by Japan with Korea, China, Great Britain, and Russia, from 1894 to 1902, the independence and territorial integrity of Korea were invariably guaranteed and recognized. The imperial rescript of February 1904 still carried the declaration that "the independent existence of Korea was a matter of most serious importance for Japan" and that "the independent existence of Korea was essential for the life of the Empire." The protocol signed between Japan and Korea that same month and year although a few days later, continued guaranteeing the "independence and territorial integrity of Korea," but already article 1 provided that the government of Korea "will adopt the advice of Japan in matters referring to the improvement of her administration." The following year, 1905, another, more advanced agreement was signed between Japan and Korea, which provided that "Japan shall hereafter have the control and management of the foreign

affairs and relations of Korea." In 1906 Marquis Ito was appointed Resident General in Korea, and in 1907 Japan prevented the representatives of the Emperor of Korea from being given a hearing at the Hague Conference. In July 1907, another agreement was signed between Japan and Korea, stipulating that "in all matters relative to the reform of the Korean administration, the government of Korea will receive the instructions and advice of the Japanese resident-general, and that appointments and removals of high officials of the Korean government will not be made without the consent of said resident-general." As late as 1908, Prince Ito stated publicly that it was not Japan's purpose to annex Korea; but the following year, the same Prince Ito declared that Korea "must amalgamate with Japan." Finally, in 1910, Japan and Korea signed the famous treaty which put an end to the independence of the latter by "the cession by the Emperor of Korea to the Emperor of Japan of all his rights of sovereignty over the entire Korean territory." And seven days later Japan formally declared that she had annexed Korea to her dominions.

In view of this enlightening precedent, even if Japan should formally declare, which she has not done, that she intends to respect the independence and integrity of the Philippines, there would be good reasons to receive such a declaration with reserve. There must not be a repetition here of what happened in Korea, and the best thing to do is to lay aside all optimism and Asiatic enthusiasm and prepare our people for the contingencies of the future.

Count Okuma's declaration, quoted by our professor, that "Japan has no designs of appropriating more territory or of despoiling China," is rather ancient. In fact, it was made in August 1914. The statement of the same count which I quoted in my second article and which is a clear exposition of the imperialistic policy of the Empire was made by him in November 1914. This will show our professor how the Count changed his opinion in three months, and that during such short time "much water has run over the national mill of Japan."

My esteemed opponent affirms boldly that from my first article to my second there has been a change of theory, because in the former I advocated the continuation of the Occidental political power in the East, while in the latter I demanded its termination. No doubt the professor understood the following paragraph in my first article as a desire on my part that the white race continue ruling the East:

"We do not want the white race to rule the Far East; but we do not want, either, to have an Asiatic Monroeism established here under the leadership of Japan or China, because we do not want to be absorbed by any power of the East, as certain small republics of Central and South America have been or will be absorbed by the United States, in the name of the American Monroe Doctrine."

I note that there has been a very visible change in the ideology of our professor. The idea of Asiatic Monroeism no longer prevails in his second article, but he speaks instead of a Pan-Asiatic League, which is an

entirely different formula. I am not opposed to a Pan-Asiatic League as the professor wants to convey, provided it is formed on the basis of equality of rights and of the recognition of the independence and territorial integrity of all countries holding membership in the League. But it is not sufficient to conceive the organization of that League if nobody is willing to convert it into reality. When shall we begin to form it? Because if, as the professor insinuates, the solution of the Philippine problem depends upon our closer identification with Asia, that League should be formed as soon as possible. But how? The professor does not tell us, and I have no idea how it is to be started. Some of the Asiatic peoples are sovereign nations while others are dependent. A league among the latter would not go very far. If we approach the former, for instance Japan, they will certainly not pay any attention to us, in order to avoid conflicts and friction with the United States, which might produce "grave consequences." We are not a free agent in this respect, nor is Japan or any of the other Asiatic nations. Consequently, any plan for a Pan-Asiatic League is impracticable for the present. Such a League will have to be headed by Japan if it is to be any good, but it remains to be seen whether Japan will take up the cudgels for her weaker neighbors and defy the United States in the Philippines, Great Britain in India, France in Indo-China, Holland in Java, and all the powers having "special interests" in China. If Japan is not ready to make that international move, the Filipinos, the Indians, and the Javanese are much less so. The plan of our professor thus presents the small difficulty of being impracticable.

Rather than have faith in Asia, let us have faith in ourselves, in the knowledge that our emancipation will be exclusively our work, as will be the maintenance of our independence when we obtain it. Our present agitation for liberty must be coupled with a program of national defence which should be formulated as soon as possible. The formulation of such a program will be a courteous invitation to the United States to lay her cards on the table. We must begin now to familiarize our people with the idea that their present anxieties and sacrifices for the attainment of our independence are but prelude to still greater anxieties and sacrifices if we will maintain independence with honor and dignity.

September, 1927.

Professor Kalaw in turn published another article, "My Formula of An Asiatic Monroe Doctrine" a digest of which reads as follows:

The only phase of the Monroe Doctrine that really exists today, with the full acquiescence of the South-American nations, is that America, both North and South, is for the Americans only.

Such is the modern Monroe Doctrine. My difference of opinion with my adversary is probably due to the fact that he had the old doctrine in mind while I was thinking of the new. The modern doctrine is to my mind the only one which exists, because Asia is for the Asiatics the same as America is for the Americans.

As an initial step towards that doctrine, practically all of Asia must, of course, be free. The real Asiatic Monroe Doctrine would then be an Asia free from the European and American powers, organized into a league or corporation for the purpose of preventing any reconquest in the future by Europe or America. This entente, league, or confederation, or whatever you may want to call it, will provide for mutual defence in case of foreign aggression and will safeguard all the States of Asia, big or small, from interference by their neighbors. It will guarantee to each State the power to determine its domestic policy, such as immigration and commerce. It need not necessarily be anti-Occidental in culture, because some nations will be more Occidental in culture than others. There will not be an isolation from the West in commerce, because no nation can live isolated in commerce. In one word, it will be a Pan-Asiatic brotherhood, confederated in order to meet the West. It will strive to meet the West in a spirit of friendship or, in case of necessity, in a spirit of conflict. That there are many obstacles to this plan, we must admit. There will be problems of population, of immigration, of mutual mistrust; but in the face of a common enemy, because the West will continue to be a threatening foe, a great part of these obstacles will disappear. Such is my conviction. Decades may pass before this becomes a complete reality; but it is our duty to begin to think of such hypothesis.

Sept. 1927.

To Prof. Kalaw's "formula of an Asiatic Monroe doctrine" as developed in the preceding digest Mr. Recto replied with another article entitled "The Historical Criterion and the Pan-Asiatic League." Excerpts from this article of Mr. Recto are reproduced below:

My distinguished antagonist synthetizes his formula of an "Asiatic Monroe Doctrine" in the following words:

"As an initial step towards that doctrine, all Asia must be free. Then the true Monroe Doctrine (Asiatic Monroe Doctrine) will be an Asia free from the European and American powers, to prevent a reconquest by Europe or America in the future. This entente, league, or confederation, or whatever you may want to call it, will provide for mutual defence in case of foreign aggression and will safeguard all the States of Asia, big or little, from interference by their neighbors. It will guarantee to each State the power to determine its domestic policy, such as immigration and commerce . . . It will be a Pan-Asiatic brotherhood, confederated to meet the West . . .

The professor of political science believes that a few decades will suffice to carry out this vast program. Everybody is entitled to be optimistic, and so is the professor; but I am afraid that this happy event will not come to pass in this world of ours, where humanity is striving and contending, not because the liberation of the peoples of Asia is something impossible or remote, but because the idea of the professor that those

peoples, freed from western rule, will live together in peace, in a federation, without mutual interferences or aggressions, must be catalogued under the same chapter as Plato's "Republic," Thomas More's "Utopia," and the more modern "League of Nations" of Wilson, or the "World State" of Wells.

Our professor desires to revive for Asia the plan of confederation that had been tried many times in Europe without result. Napoleon failed, and so did Alexander I, and after him Nicholas II, and lastly Wilson with his "League of Nations." Will our distinguished professor be more fortunate with his similar project of a "Pan-Asiatic Confederation?"

Christianity has not been able to induce mankind to fraternize, and our professor will encounter no small difficulties in his attempt to get the Asiatic peoples to fraternize. Geographical proximity has never been a guaranty of sincere and useful companionship or of good will and concord between nations. Experience has shown that the nearer nations live to each other, the more conflicting are their interests and problems. Frontiers are nothing but sinister barriers closing the roads of the world to the peace and happiness of nations. Let the professor consider the examples offered in the course of history by the European nations—from the greatest powers to the small Balkan States which until the World War were a wasps' nest in perpetual ferment—by the South American republics, by the United States and Mexico, by China and Japan. As many times as it has been attempted to establish the "Confederation of Europe" just as many times has the attempt failed. Bolivar's dream of making one country of all the American republics of Iberian origin was shattered by the flood of rancors among the eighteen states into which the former Spanish colonies in the New World had disintegrated. The Christ of the Andes extends his loving arms over a race of one origin, one tradition, one language, and the same beliefs, but split into hostile states and impoverished by incessant differences brought about by geographical contiguity.

The South American countries are burdened with costly military appropriations, and arm themselves, not for self-defence against Europe, but to defend themselves against each other. What good does it do them that the Monroe Doctrine protects them from European aggression, when they have to arm anyway in order to protect themselves from their neighbors?

Since the criterion of history cannot be relied upon to support our professor's idea of a "Pan-Asiatic Confederation," he will have to leave its realization to chance or to supernatural forces, for which neither the prevision of statesmen nor the effort of nations is necessary. Unfortunately there has been but one Paradise, that of tradition, and one Arcadia, that of the legend, and the fervent invocation of our professor will not call them back to life on the continent of Asia.

But one of the most curious aspects of our professor's plan is that his "Pan-Asiatic Confederation" is not to be formed until after all Asia is

free from the European and American powers. What would be the use of it then? To meet the West, says the professor. This means that while the West is here, inflicting upon us the heavy burden of its rule, a league of all Asiatic peoples is unnecessary. That Pan-Asiatic League or Confederation is to be formed not in order to eliminate a real and present evil—the present rule of the white race over Asia—but to protect us from a remote danger—the possibility that the white race will return after we Asiatics have conquered our liberty. The proposition seems to lack logic. For, if the Westerners leave Asia, it will be either because they want to go or because the awakening of national consciousness in Asia, coupled with the development of her material resources, will force the white nations to give up their secular rule on this continent. In either case, the peril of their returning will be so remote that there will be no necessity for a Pan-Asiatic League to guard against it.

Let us say Asia is free now and we have a brand-new Pan-Asiatic League. There arises, as one of the first problems that the League must solve, that of the population of Japan which her territory can no longer accommodate. The problems of each of the members of the League would have no reason for being. Since we have shut the doors of Asia to the West with our cry of "Asia for the Asiatics," we cannot decently ask any of the western countries, say Brazil or the United States, to open their doors to Japanese immigration. We therefore have to solve this problem at home, that is, within the League. How shall we do it?

The Asiatic countries most directly affected will be Russia, China, and the Philippines. Russia and China would be ready to counsel any solution that would respect the integrity of their territory and their national interests in general. In exchange for Japan's leaving them alone in Manchuria, Siberia, and Mongolia, they would not interfere with any plan which Japan may adopt in this respect. It would be the height of credulity to expect the Russians, the Chinese, or the Afghans to provoke Japan or make her their enemy if that country decided to take the Philippines as she took Korea in 1910. Probably the great Asiatic powers of the Confederation would even agree among themselves that such a course is the best way to solve at one stroke the problem posed by the density of the population of Japan and eliminate a serious state of affairs that would otherwise keep the League in a constant state of worry. What do we have in common with the Indians, the Russians, the Turks, the Arabians, the Afghans, aside from the accident of geographical propinquity, that would make them side with us against so powerful a country as Japan? As always, the chain would break by the weakest link, and the "Pan-Asiatic Confederation" conceived by our professor would, in practice, be something like the "Confederation of Europe" during the first quarter of the nineteenth century, which was directed and managed exclusively by the council of the big powers. As far as the small countries of Asia are concerned, *the Western master would merely have been replaced by an Asiatic master, and the part which we should play in the "Pan-Asiatic*

League against the West" would be that of the clay pot which, in a well remembered tale, wanted to form an alliance with the iron pot.

The case of Korea, where there are laws penalizing "dangerous thought" and where the Koreans are not allowed to withdraw from their private bank deposits amounts in excess of one hundred pesos without a previous official investigation regarding the use to be made of the money, as told to Professor Benitez by a Korean at the last Pan-Asiatic Conference that met in Hawaii, should convince us that we must guard not only against the nations of the West but against the nations of all the cardinal points, because international relations, regardless of geographical accidents, are governed by interests and not by affections, and because, as Washington said in his famous political testament, "it is folly for a nation to expect disinterested favors from another, because all that a nation receives as a favor is sooner or later repaid with part of its independence." Let us abandon all Asiatic optimism and be guided by these words of Clemenceau: "I only have one illusion: France and one disillusion: Humanity."

October, 1927.

Professor Kalaw then published his fourth article, entitled "The Résumé of Our Discussion and the New Critical History", of which the following are extracts:

I shall make a résumé of the different views enunciated from time to time in Representative Recto's articles and mine. In his first article he argued that the best plan for the future of the Philippines seems to be the creation of a balance in the Pacific with the presence of the western powers, such as the United States and England. Then he said that the latter power must maintain the balance in the Far East on the basis of an independent Philippines. He evidently did not desire to say anything about the evacuation of Asia by the European powers. In my answer I said: 'Supposing the balance of power is the only possible arrangement after independence, could there not be sufficient balance between the Asiatic powers themselves, as between Japan and China or Soviet Russia, or between the nations at present inconspicuous and Japan?' From beginning to end, the essence of Representative Recto's first article is that he desires the western nations to remain in Asia.

October, 1927.

In reply, Mr. Recto published his fifth article, entitled "The Alchemists of the Professorial Chair and Their Philosophers' Stone", from which the following is reproduced:

I have invoked the authority of historical facts in support of my contention that the proposed "Pan-Asiatic League" which our professor has seen fit to substitute for his "Asiatic Monroe Doctrine" will not give

any result, just as similar plans tried in Europe, and in South America for the confederation of the republics there, failed to give any.

Our professor defends his plan with theoretical arguments taken from two American writers, the first of whom is the author of an epitome of history and the second is a professor. He cannot use historical precedents because his new thesis that "history does not repeat itself" does not authorize any other arguments than those derived from imagination.

The professor says that the moral superiority of the Oriental peoples will make the proposed confederation a success. Because "the Oriental nations which have produced all the principal religions of the world and are consequently a body of peoples of firmly established moral principles, can arrive at an understanding by virtue of which the peoples of different traditions and nationalities in this continent will be able to live in peace and continue developing their respective national characteristics."

The alleged moral superiority of the Orientals consists, according to the professor's statement in the paragraph above copied, in the historical fact that the principal religions originated in the East.

Of course, religion has an influence on the morality of a people. But the fact that a pure and lofty religion had its origin in the midst of one particular people is not in itself sufficient reason for considering that people endowed with firm moral principles. Religion builds up and raises the morals of a people through obedience to its dogmas and the practice of its teachings. If it could be demonstrated that the Orientals practice their religious beliefs better than the people of other continents practise theirs, then the professor's thesis might be maintained, otherwise it would fall by its base. We have prevented the spread of the Christian religion throughout the Orient, and the people among whom that religion originated, the Jews, deny the divinity of its founder. And yet we have become proselytes of Islam, Budhism, and Confucianism, and have embraced religious systems the morals and dogmas of which are inferior to those of the Christian religion. Does the professor deduce from this that we Orientals "are a body of peoples with firmly established moral principles?"

Of course, morally we are not worse than the Occidentals; but it is not less true that we are not better. The Divine Potter made us all of the same brittle and crude clay. Given the opportunity, we have shown the same love of war, plundering, and looting that dominated and dominates the Westerners. Let the professor remember that in the thirteenth and fourteenth centuries, the Mongols ruled almost all of Asia and the entire eastern part of Europe, and if indeed they brought their civilization to the conquered peoples, it was likewise at the cost of the latter's despoliation; that the Huns committed all sorts of depredations in the Old World in the fifth century, their greatest leader, Attila, even establishing his headquarters in the plains of Hungary; and that the Turks subjugated the whole of Southern Europe for a period of several centuries. Is that the superior morality of the oriental peoples?

The most serious obstacle in the way of the success of the League from the point of view of our country lies in our geographical situation

and our peculiar conditions in relation to the other nations that would compose the League. We have strong, greedy, and needy neighbors and we are a weak people with a rather large territory that is sparsely populated and has abundant natural resources. Stronger than right and moral law the biological law of the absorption of the weak by the strong works out in all cases with the same precision as the law of gravity. I repeat what I have said before, that the relations between nations are governed by interest and not by affection, and that geographical vicinity is a cause of conflicts rather than a guaranty of friendship. We can not reasonably ignore the precedent of Korea, the annexation of which to the empire of the Mikado is in no way compatible with the dictates of that morality which, according to the strange theory of our professor, is the characteristic that distinguishes the Orientals from the Occidentals. He will say again that the case of Korea will not be repeated in the Philippines, because history does not repeat itself. And if it does?

It will be a grievous misfortune for our country and a cause for remorse on the part of those who have been cultivating Pan-Asiatic dreams.

October, 1927.

Professor Kalaw made no further reply, and so the debate was ended with the above article of Mr. Recto.

Mr. Recto collected his above articles in 1930 in a printed pamphlet entitled "Asiatic Monroeism", which of course was "prohibited" material during Japanese occupation.

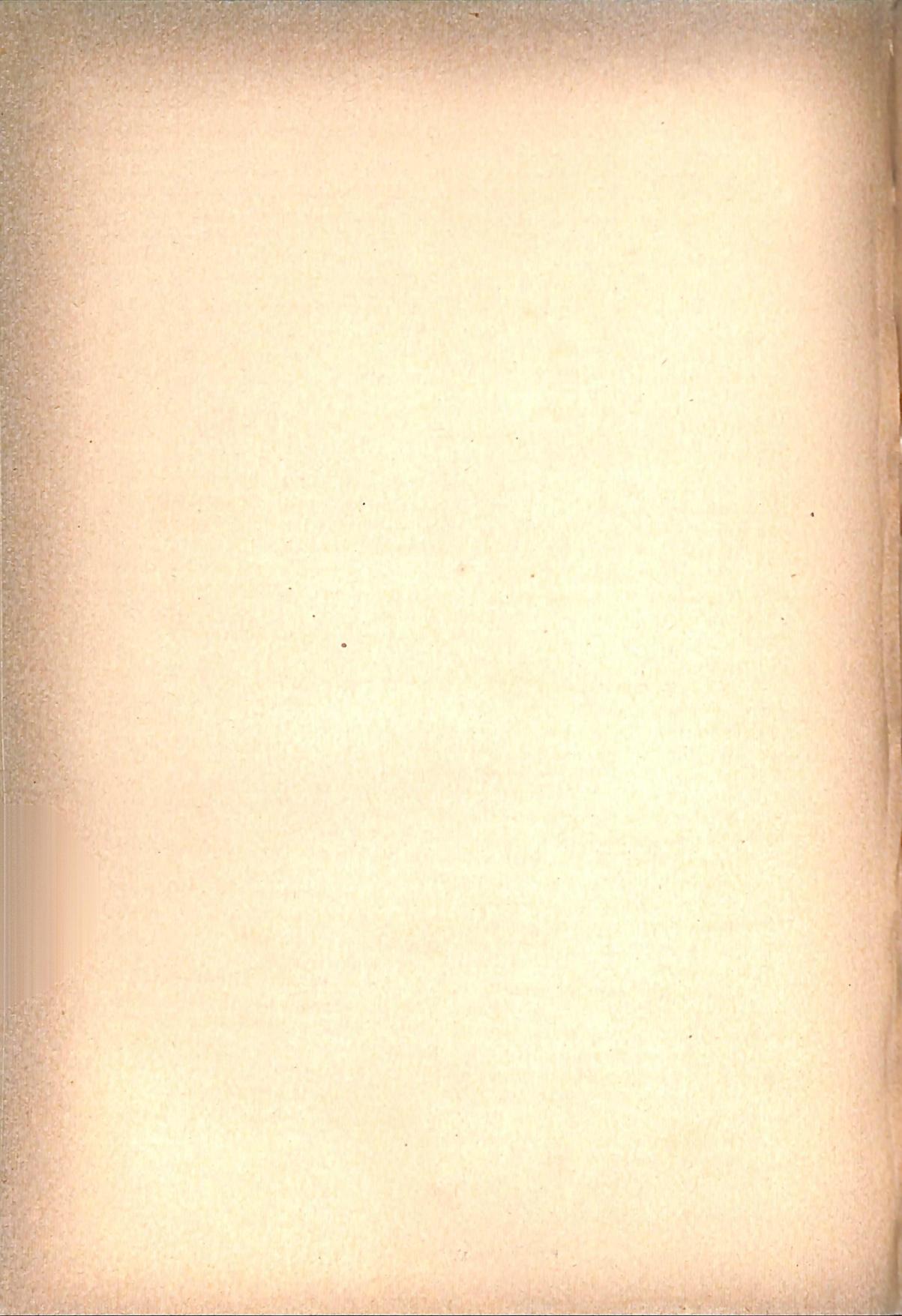
President Rafael Palma of the University of the Philippines expressed his opinion on this debate in a letter he wrote to Mr. Recto, from which we quote the following paragraphs:

Your debate with Dr. Kalaw, which takes up most of the book, is saturated with deep political philosophy and views on the future. I like it because of its seriousness. It is time that our intellectuals drop mere flowery literature and occupy itself with vaster and more serious subjects. That the question of how the safety of the future Philippine State can be best guaranteed in the development of Asia is such a theme can not be doubted, and for this reason it cannot be discussed by a merely literary method and by shallow talents, but must be considered scientifically by acute, properly trained minds.

This is, in my opinion, the real merit of the debate. It leaves aside the common procedure of imaginative and aprioristic argumentation and chooses instead the path of historical and biological investigation. If I may be permitted to state my opinion of the book, I would say that your side of the debate offers greater advantages than that of Dr. Kalaw, because it is based on a positive, I might say brutal, interpretation of history, while Dr. Kalaw's side has the disadvantage of being founded on

something still rather uncertain and fragile, the more or less conscious but vague aspiration of humanity toward a better condition. History can be interpreted in two ways: as life is and as it should be. You uphold the first criterion and Dr. Kalaw the second. Therefore, while your arguments rest on a solid foundation, on consummated facts which show the process of natural selection in all the orders of life, Dr. Kalaw has to take his interpretations from the modern sources of law and justice, the foundations of which are not yet well established in the human heart.

Whoever may be right, I am very glad that the controversy has taken place, as it has set us to thinking of the great problems that the future has in store for us. And I rejoice still more that the controversy has been carried on a lofty plane, free from all personal allusions and narrowmindedness, by which many of our current debates are characterized and which frequently betray poor reasoning and lack of solid preparation on the part of the debater.



APPENDIX "E"

ORDERS OF SURRENDER

Issued by Gen. Wainwright and other USAFFE officers

HEADQUARTERS

United States Forces in the Philippines
Fort Mills, P. I.

7 May, 1942

Subject: Surrender

To : Major General William F. Sharp, Jr.
Commanding Visayan-Mindanao
Forces

To put a stop to future useless sacrifice of human life on the Fortified Islands, yesterday I tendered to Lieutenant General Homma, the Commander-in-Chief of the Imperial Japanese Forces in the Philippines, the surrender of the four harbor forts of Manila Bay.

General Homma declined to accept my surrender unless it included the forces under your command. It became apparent that the garrisons of these forts would be eventually destroyed by aerial and artillery bombardment and by infantry supported by tanks, which have overwhelmed Corregidor.

After leaving General Homma with no agreement between us I decided to accept in the name of humanity his proposal and tendered at midnight, 6-7 May, 1942, to the senior Japanese officer on Corregidor, the formal surrender of all American and Filipino Army troops in the Philippines. You will therefore be guided accordingly, and will repeat will surrender all troops under your command both in the Visayan Islands and Mindanao to the proper Japanese officer. This decision on my part, you will realize, was forced upon me by means entirely beyond my control.

Colonel Jesse T. Traywick, Jr., G. S. C. my Assistant Chief of Staff, G-3, who will deliver this to you is fully empowered to act for me. You are hereby ordered by me as the senior American Army officer in the Philippine Islands to scrupulously carry out the provisions of this letter, as well as such additional instructions as Colonel Traywick may give you in my name.

You will repeat the complete text of this letter and of such other instructions as Colonel Traywick may give you by radio to General MacArthur. Let me emphasize that there must be on your part no thought of disregarding these instructions. Failure to fully and honestly carry them out can have only the most disastrous results.

J. M. WAINWRIGHT
Lieutenant General, U. S. Army

HEADQUARTERS
VISAYAN-MINDANAO FORCES
CYP Malaybalay, Mindanao

May 11, 1942

To all Commanders Visayan Islands:

General Chynoweth
Colonel Hilsman
Colonel Christie
Colonel Cornell
Captain Blancas

All landmines or other explosives of any description will be immediately removed from highways, bridges and any other places where they might cause damage to Japanese troops particularly they will be removed in twenty-four hours stop where it is impractical to remove such obstructions without destroying structures or highways they will be clearly marked "danger" in the presence thereof stop no retreat no destruction of property military or civilian will be countenanced stop all officers are enjoined to carefully instruct those under them and any with whom they come in contact to strictly observe the provisions above stop any violations of this order will be dealt with summarily stop all members of the armed forces will be directed to report to the places designated in the orders furnished the sector commanders not later than the dates specified therein stop those absent on those dates will be considered as deserters and will be so reported to the Japanese authorities stop until the arrival of the Japanese forces you are responsible for the proper rationing of your troops stop the Japanese army will treat the officers and enlisted men according to International Law, except when they would be against the law stop courteous and prompt obedience to the Japanese army and their orders is absolutely necessary.

W. F. SHARP
Major General, U. S. Army
Commanding

HEADQUARTERS NEGROS SECTOR,
Fabrica, Negros Occidental, May 20, 1942

COPY Furnished, Sub-Sector Commanders, Negros Sector, for information, guidance and immediate compliance. Notify this Headquarters by telegram when demolition has been removed. Acknowledge.

(SGD.) ROGER HILSMAN
Colonel, Inf. USA
Commanding

MESSAGE TO ALL FILIPINO OFFICERS AND MEN

1. Direct written orders have been received by me from General Sharp, and authorized by General MacArthur for me to surrender the Forces of Negros.
2. These orders have been obeyed by this Headquarters and as a member of this command you also must obey them.
3. Failure to surrender classifies you as:
 - a. Deserter by Philippine and U. S. Governments—
Penalty — Death
 - b. Outlaw by Imperial Japanese Army.—
Penalty — Death
4. By terms of the agreement the Imperial Japanese Army has been furnished:
 - a. Your name and home address.
 - b. Your present location.
 - c. The arms and ammunition you have.
5. By surrendering you will draw full pay until you are mustered out of the Service and you will be entitled to all bonus and insurance privileges from USAFFE. You will also be recognized as an HONORABLE prisoner of War by the Philippine Government, USAFFE and by the Imperial Japanese Army and treated as such.
6. Half of the Officers and Men have already reported to Fabrica and are well treated.
7. Report in PERSON with your arms and ammunition to Cadre Barracks in Fabrica BEFORE midnight Wednesday, May 27th.
8. By complying with these orders you will SAVE YOUR HONOR, YOUR LIFE and ASSURE the safety of your family and friends.

ROGER HILSMAN
Colonel, Inf — USA
Commanding



APPENDIX "F"

INDICTMENT AGAINST FILIPINOS ACTING AS JAPANESE DUMMIES

EXCERPT FROM THE SPEECH DELIVERED BY MR. RECTO WHEN HE WAS CONFERRED THE DEGREE OF DOCTOR OF LAWS (HONORIS CAUSA) BY THE UNIVERSITY OF MANILA, MARCH 24, 1936.

A true constitutional government is not possible, nor can we hope for the success expected of it if the great mass of the citizenry through ignorance, indifference, or lack of civic spirit, not only hold themselves aloof from the fundamental activities of the government, but also suffer and permit that the objectives of the government in accordance with an avowed policy are neglected, ignored or thwarted. We had in the not distant past, among others, the problem of the nationalization of our coastwise shipping service and our fishing industry, and the exploitation of the public lands in Mindanao. Foreign ships have occasionally appeared under fictitious Philippine registry. The fishing industry along the seacoasts, within our jurisdictional waters, is controlled by foreign capital which, if I am not misinformed, operates under licenses issued to Filipino citizens. In the great Island of the South, vast tracts of land, applied for either by purchase or by lease by Filipino citizens, have been leased or subleased to foreigners for purposes of exploitation for 25 to 50 years. We have ignorantly bartered away the privileges of citizenship; we have trafficked in things sacred which, under our code of honor as citizens, should be placed beyond the pale of commerce. A dip into the future would make us realize, with the pang of premonition, the grave and deplorable consequences resulting from such acts to our national honor, sovereignty, the control of our sources of wealth, and our territorial integrity.



APPENDIX "G"

A FILIPINO SENATOR'S LETTER TO ICKES

CONGRESS OF THE PHILIPPINES
SENATE

Manila, December 29, 1945

The Honorable
The Secretary of Interior
Washington, D. C.

Sir:

I am addressing you as head of the Department in the United States Government that is directly concerned with Philippine affairs. I am aware of your reminder to the Commonwealth Government several months ago for the prompt prosecution of those who in any way cooperated with, and the exclusion from the government service of those who served in any capacity under any of the governmental set-ups under the eegis of the Japanese in the Philippines.

Then yesterday, December 28, 1945, the following news item appeared on the front page of the Manila "Evening News" under the heading "U. S., MANILA POLICIES CLASH":

"A discrepancy was noted by certain quarters today in the policies followed by Washington and Manila respectively in the appointment to important government positions. While Manila is gradually absorbing into the government some individuals who served under the Japanese, Washington seems determined to keep them out regardless of the actual record; while the Commonwealth seems to include to the policy that service under the Japanese is not *per se* collaboration, Washington appears to insist that it is."

I beg leave to ask how can this stern policy be reconciled with the policy which seems to be the one favored and suggested in the "Military Aid to Civil Power", a text book which according to its Introduction, has been "prepared for The General Service Schools, Fort Leavenworth, Kansas", and "is designed to serve as a practical guide for officers of the Army of the United States in administering the Laws of War, and in the application of correct legal principles to situations involving Military Government, Martial Law, and Domestic Disturbances". This book has been widely perused by both Army officers and Civil Government officials in the Philippines in the hectic days in 1941 when this country was getting ready for the impending war with Japan. I am quoting from page 65 of said book:

"k. Mexico has a law which forbids any of her officials from accepting office or executing authority under a military conqueror. This, of course, would be very embarrassing to the invading army, but such a rule would injure Mexico more than her enemy. In the Franco-Prussian War, various instructions were given by the French Government to local officials in the east to flee or not to accept any

position of authority under the Germans. It is believed to be unlikely that any such instructions were given during the World War, for it is known that after the war France decorated some of the local officials who has remained at their posts during the German occupation and performed their duties in a manner most beneficial to the inhabitants."

A clarification from your office of this matter will do much to restore the peace of mind among my people so necessary in these troubled days of reconstruction and rehabilitation of my country ravaged by war.

The writer has not been a collaborator, did not engage in any kind of business, on the contrary suffered great losses, during enemy occupation, and is under no charge whatsoever by either the U. S. Army Counter-Intelligence Corps or the Office of Prosecutors of the Philippines People's Court.

Very respectfully,

RAMON TORRES
Senator

APPENDIX "H"

THE LAW OF NATIONS PART OF THE LAW OF THE LAND

1. UNITED STATES

- a. The law of nations is the "usage of all civilized nations." *United States v. de la Maza Arredondo*, 6 Pet. 691, 8 U. S. (L. ed.) 547.
- b. The law of nations is to be tried by the test of general usage. *The Antelope*, 10 Wheat. 66, 6 U. S. (L. ed.) 268.
- c. International law is founded upon mutuality and reciprocity. *Hilton v. Guyot*, 159 U. S. 113, 16 Sup. Ct. Rep. 139, 40 U. S. (L. ed.) 95.
- d. In the absence of a treaty or statute, questions of international law are to be determined by such aid as the courts can obtain from judicial decisions, from the works of jurists and commentators, and from the acts and usages of civilized nations. *Hilton v. Guyot*, 159 U. S. 113, 16 Sup. Ct. Rep. 139, 40 U. S. (L. ed.) 95.
- e. The works of jurists and commentators on the subject of international law are resorted to by judicial tribunals, not for the speculations of their authors concerning what the law ought to be, but for trustworthy evidence of what the law really is. *The Paquete Habana*, 175 U. S. 677, 20 Sup. Ct. Rep. 290, 44 U. S. (L. ed.) 320.
- f. International law, including what is usually called private international law or the conflict of laws, and concerning the rights of persons within the territory and dominion of one nation, by reason of acts, private or public, done within the dominions of another nation, is part of our law, and must be ascertained and administered by the courts of justice as often as such questions are presented in litigation between man and man, duly submitted to their determination. *Hilton v. Guyot*, 159 U. S. 113, 16 Sup. Ct. Rep. 139, 40 U. S. (L. ed.) 95.
- g. International law is part of the law of the United States and must be ascertained and administered by the courts of justice of appropriate jurisdiction as often as questions of right depending upon it are duly presented for their determination. *The Habana*, 175 U. S. 677, 20 Sup. Ct. Rep. 290, 44 U. S. (L. ed.) 320.
- h. International law is no alien in the Federal Supreme Court but is part of the law to be ascertained and administered by the courts of justice of appropriate jurisdiction as often as questions of right depending upon it are duly presented for their determination. *Kansas v. Colorado*, 206 U. S. 46, 27 Sup. Ct. Rep. 655, 51 U. S. (L. ed.) 956.
- i. Political rights do not stand upon the mere doctrines of municipal law applicable to ordinary transactions, but upon the more general principles of the law of nations. *Shanks v. Dupont*, 3 Pet. 242, 7 U. S. (L. ed.) 666.
- j. The inhabitants of a conquered territory change their allegiance and their relation to their former sovereign is dissolved. *Leitensdorfer v. Webb*, 20 How. 176, 15 U. S. (L. ed.) 891.
- k. The transfer of territory from one nation to another does not change the relations of the inhabitants with each other although it dissolves

their relations with their former sovereign and creates a new relation between them and the government which has acquired their territory. American Ins. Co. v. Canter (American Ins. Co. v. 356 Bales of Cotton) 1 Pet. 511, 7 U. S. (L. ed.) 242.

l. Where people change their allegiance, their relation to their former sovereign is dissolved; their relations to each other and their rights of property remain undisturbed. United States v. Percheman, 7 Pet. 51, 8 U. S. (L. ed.) 604; Leitendorfer v. Webb, 20 How. 176, 15 U. S. (L. ed.) 891; United States v. Le Gardiur De Repentigny, (United States v. De Depentigny, 5 Wall. 211, 18 U. S. (L. ed.) 627.

m. Conquered territory, while in hostile possession of the conqueror is part of his territory as regards all other nations and belongs to him as exclusively as the territory within his borders, the relation which such territory bears to him while so held by force of his arms not being dependent upon the law of nations, but upon his own laws. Fleming v. Page, 9 How. 603, 13 U. S. (L. ed.) 276; U. S. vs. Rice, 4 Wheaton, 246.

n. All former laws, ordinances and regulations in conflict with the political character, institutions and Constitution of a new Government assuming jurisdiction over territory, are at once displaced. Chicago, R. I. & P. R. Co. v. McGlinn, 114 U. S. 542, 5 Sup. Ct. Rep. 1005, 29 U. S. (L. ed.) 270.

o. De facto governments are of several degrees, the highest of which is when the usurping government expels the regular authorities from their customary seats and functions, and establishes itself in their place. Another description of government, called also by publicists a government *de facto*, but which might perhaps be aptly denominated a government of paramount force, is one whose existence is maintained by active military power within the territories and against the rightful authority of an established and lawful government, and which, while it exists, must necessarily be obeyed in civil matters by private citizens, who, by acts of obedience rendered in submission to such force, do not become responsible as wrong-doers for those acts, though not warranted by the laws of the rightful government. Although such governments are usually administered directly by military authority, they may be administered also by civil authority supported more or less directly by military force. Thorington v. Smith, 8 Wall. 1, 19 U. S. (L. ed.) 361.

p. A government *de facto* in firm possession of any country is clothed, while it exists, with the same rights, powers and duties, both at home and abroad, as a goverment *de jure*. Phillips v. Payne, 92 U. S. 130, 23 U. S. (L. ed.) 649.

q. Although the City of New Orleans was conquered and taken possession of in a civil war waged on the part of the United States to put down an insurrection and restore the supremacy of the National Government in the Confederate States, that government had the same power and rights in territory held by conquest as if the territory had belonged to a foreign country and had been subjugated in a foreign war. *The Prize cases*, 2 Black, 636 (67 U. S. XVII., 459); *Mrs. Alexander's Cotton*, 2

Wall., 417 (69 XVII., 919); *Mauran v. Ins. Co.*, 6 Wall., 1 (76 U. S., XVIII., 836). In such cases the conquering power has a right to displace the pre-existing authority, and to assume, to such extent as it may deem proper, the exercise by itself of all the powers and functions of government. It may appoint all the necessary officers and clothe them with designated powers, larger or smaller, according to its pleasure. It may prescribe the revenues to be paid, and apply them to its own use or otherwise. It may do anything necessary to strengthen itself and weaken the enemy. There is no limit to the powers that may be exerted in such cases, save those which are found in the laws and usages of war. These principles have the sanction of all publicists who have considered the subject. *City of New Orleans, Appl., v. The New York Mail Steamship Company.* (See S. C., 20 Wall., 287-403.)

r. The Confederate government was *never acknowledged* by the United States as a *de facto government* in the sense that adherents to it in war against the government *de jure* did not incur the penalties of treason. From a very early period of the Civil War to its close, it was regarded as simply the military representative of the insurrection against the authority of the United States. *Thorington v. Smith* (Ala. 1869) 8 Wall. 1, 19 L. ed., 361. See also *Sprott v. U. S.* (Ct. Cl. 1874) 20 Wall. 464, 22 L. ed., 371. 2 USCA 339.

s. The capture and possession of James Island in February, 1780, and of Charleston on the 11th of May in the same year, by the British troops, was not an absolute change of the allegiance of the captured inhabitants. They owed allegiance to the conquerors during their occupation; but it was temporary allegiance, which did not destroy, but only suspended their former allegiance. (*Shanks et al. v. Dupont et al.*, U. S. 7 L. ed., 666, 667.)

t. It has been held by this court, that persons residing in the rebel states at any time during the civil war must be considered as enemies, during such residence, without regard to their personal sentiments or dispositions. *Prize Cases*, 2 Black 687, 17 L. ed 476, 483: *Mrs. Alexander's Cotton*, 2 Wall., 404, 17 L. ed., 915; *The Venice*, 2 Wall., 258, 17 L. ed., 866.

u. The rule which declares that war makes all the citizens and subjects of one belligerent, enemies of the government and of all the citizens and subjects of the other, applies equally to civil and international wars. (*The Venice*, 17 L. ed., 866.)

v. By the conquest and military occupation of Castine, the enemy acquired that firm possession which enabled him to exercise the fullest rights of sovereignty over that place. *The sovereignty of the United States over the territory was, of course, suspended, and the laws of the United States could no longer be rightfully enforced there, or be obligatory upon the inhabitants who remained and submitted to the conquerors. By the surrender the inhabitants passed under a temporary allegiance to the British government, and were bound by such laws, and such only as it chose to recognize and impose.* From the nature of the case, no other laws could be obligatory upon them, *for where there is no protection or allegi-*

ance or sovereignty, there can be no claim to obedience. U. S. v. Rice, 4 L. ed., 562, 564, 4 Wheaton, 246.

w. It is true that, when Tampico had been captured, and the State of Tamaulipas subjugated, other nations were bound to regard the country, while our possession continued, as the territory of the United States, and to respect it as such... While it was occupied by our troops, they were in an enemy's country, and not in their own; the inhabitants were still foreigners and enemies, and owed to the United States nothing more than the submission and obedience, sometimes called temporary allegiance, which is due from a conquered enemy, when he surrenders to a force which he is unable to resist. Fleming, et al. v. Page, 13 L. ed., 276, p. 281.

x. Upon the acquisition, in the year 1846, by the arms of the United States, of the Territory of New Mexico, the civil government of this Territory having been overthrown, the officer, General Kearney, holding possession for the United States, *in virtue of the power of conquest and occupancy*, and in obedience to the duty of maintaining the security of the inhabitants in their persons and property, ordained, under the sanction and authority of the United States, a provisional or temporary government for the acquired country. By this substitution of a new supremacy, although *the former political relations of the inhabitants were dissolved*, their private relations, their rights vested under the government of their former allegiance, or those arising from contract or usage, remained in full force and unchanged, except so far as they were in their nature and character found to be in conflict with the Constitution and laws of the United States, or with any regulations which the conquering and occupying authority should ordain. *Amongst the consequences which would be necessarily incident to the change of sovereignty, would be the appointment or control of the agents by whom and the modes in which the government of the occupant should be administered—this result being indispensable, in order to secure those objects for which such a government is usually established.*

This is the principle of the law of nations, as expounded by the highest authorities. In the case of The Fama, in the 5 C. Rob., 106, Sir William Scott declares it to be “the settled principle of the law of nations, that the inhabitants of a conquered territory change their allegiance, and their relation to their former sovereign is dissolved; but their relations to each other, and their rights of property not taken from them by the orders of the conqueror, remain undisturbed.” So, too, it is laid down by Vattel, book 3d, cap. 13, sec. 200, that “the conqueror lays his hands on the possessions of the State, whilst private persons are permitted to retain theirs; they suffer but indirectly by the war, and to them the result is, that they only change masters.” Leitensdorfer v. Webb, 15 U. S. L. ed., 891.

y. Commanding generals may cause the magistrates and civil officers of the hostile country to take the oath of temporary allegiance or an oath of fidelity to their own victorious government or rules, and they may expel every one who declines to do so. *But whether they do so or not, the people and their civil officers owe strict obedience to them as long as they hold sway over the district or country, at the peril of their lives.* Par. 26, IN-

STRUCTURES FOR THE GOVERNMENT OF ARMIES OF THE UNITED STATES IN THE FIELD, General Orders No. 100, Adjutant-General's Office; prepared by Francis Lieber, LL.D., and revised by a Board of Officers of the United States Army.

2. PHILIPPINES

The Philippines renounces war as an instrument of national policy and adopts the generally accepted principles of international law as part of the law of the nation. Constitution of the Philippines, Art. II, Section 3.

By the Supreme Court, thru Mr. Justice Feria, in *Go Kim Cham v. Valdes Tan Keh et al.*, G. R. No. L-5, and *Peralta v. Director of Prisons*, G. R. No. L-49:

a. On January 2, 1942, the Imperial Japanese Forces of Occupation occupied the City of Manila, and on the following day their Commander-in-Chief proclaimed "the Military Administration under martial law over the districts occupied by the Army." In said proclamation, it was also provided that "so far as the Military Administration permits, all the laws in force in the Philippines, as well as executive and judicial institutions, shall continue to be effective for the time being as in the past," and "all public officials shall remain in their present posts and carry on faithfully their duties as before."

b. A civil government or central administrative organization under the name of "Philippine Executive Commission" was organized by Order No. 1 issued on January 23, 1942, by the Commander-in-Chief of the Japanese Forces in the Philippines. Mr. Jorge B. Vargas, who was appointed Chairman thereof, was instructed to proceed to the immediate coordination of the existing central administrative organs and of judicial courts, based upon what had existed theretofore, with the approval of the said Commander-in-Chief, who was to exercise (direct jurisdiction) over the judicial courts.

c. The Philippine Executive Commission, which was organized by Order No. 1, issued on January 23, 1942 by the Commander of the Japanese Forces, was a civil government established by the military forces of occupation and therefore a *de facto government*. It was not different from the government established by the British in Castine, Maine, or by the United States in Tampico, Mexico. The fact that the Philippine Executive Commission was a civil and not a military government and was run by Filipinos and not by Japanese nationals, is of no consequence.

d. The so-called Republic of the Philippines, apparently established and organized as a sovereign state independent from any other government by the Filipino people, was, in truth and reality, a government established by the belligerent occupant of the Japanese Forces of Occupation. It was of the same character as the Philippine Executive Commission, and the ultimate source of its authority was the same—the Japanese military government. General MacArthur in his proclamation of October 23, 1944,

stated that "under enemy duress, a so-called government styled as 'Republic of the Philippines' was established on October 14, 1943, based upon neither the free expression of the peoples' will nor the sanction of the government of the United States.

e. There are three (3) kinds of *de facto government*.

1. The first kind of *de facto government* is that which gets possession and control of, or usurps, by force or by the voice of the majority, the rightful legal government and maintains itself against the will of the latter, such as the government of England under the Commonwealth, first by parliament and later by Cromwell as Protector. 2. The second kind is that which is established and maintained by military forces who invade and occupy a territory of the enemy in the course of war, and which is denominated a government of paramount force, as the cases of Castine, Maine, which was reduced to British possession in the war of 1812 and of Tampico, Mexico, occupied during the war with Mexico by the troops of the United States. 3. The third kind is that established as an independent government by the inhabitants of a country who rise in insurrection against the parent state, such as the government of Southern Confederacy in revolt against the Union during the war of secession.

f. The distinguishing characteristics of the *de facto* government of the second kind: (1) That its existence is maintained by active military power within the territories, and against the rightful authority of an established and lawful government; and (2) That while it exists it must necessarily be obeyed in civil matters by private citizens who, by acts of obedience rendered in submission to such force, do not become responsible, as wrongdoers, for those acts, though not warranted by the laws of the rightful government. Actual governments of these sort are established under duress differing greatly in extent and conditions. They are usually administered by military authority, but they may be administered also by civil authority, supported more or less directly by military force.

g. One example of this sort of government is found in the case of Castine, in Maine, reduced to British possession in the war of 1812... (U. S. v. Rice, 4 Wheaton, 253). A like example is found in the case of Tampico, occupied during the war with Mexico by the troops of the United States (Fleming v. Page, 9 Howard, 614). These were cases of temporary possession of territory by lawful and regular governments at war with a country of which the territory so possessed was part.

h. The Philippine Executive Commission which was organized by Order No. 1, issued on January 23, 1942, by the Commander-in-Chief of the Imperial Japanese Forces and the so-called Republic of the Philippines were *de facto governments* of the 2d kind (of paramount force) as the government established in Castine, Maine, during its occupation by the British forces and as that of Tampico, Mexico, occupied during the war with that country by the United States army.

i. Under the Japanese occupation the belligerent occupant was totally independent of the constitution and laws of the Philippines in carrying out the administration of this country during the occupation.

j. The doctrine laid down by the United States Supreme Court in cases involving the validity of judicial and legislative acts of the Confederate States, considered as de facto government of the third kind, does not apply to the acts of the so-called Republic of the Philippines which was a de facto government of the second kind (paramount force).

k. By the military occupation of Castine, Maine, the sovereignty of the United States in that territory was, of course, suspended and the laws of the United States could no longer be rightfully enforced there or be obligatory upon the inhabitants who remained and submitted to the belligerent occupant. By the surrender the inhabitants passed under temporary allegiance to the British government and were bound by such laws and such only as it chose to recognize and impose. (United States v. Rice, 4 Wheaton, 246).

l. In carrying out the administration over the occupied territory and its inhabitants, the belligerent occupants is totally independent of the constitution and the laws of the territory, since occupation is an aim of warfare, and the maintenance and safety of his forces, and the purpose of war, stand in the foreground of his interest and must be promoted under all circumstances or conditions (Oppenheim, International Law, Vol. 2, 6th Edition, Revised 1944, p. 342.)

m. The invader deals freely with the relations of the inhabitants of the occupied territory towards himself... for his security also, he declares certain acts, not forbidden by the ordinary laws of the country, to be punishable; *and he so far suspends the laws which guard personal liberty as is required for the summary punishment of any one doing such acts.* (Hall's International Law, seventh ed., p. 500).

n. The laws to be enforced by the occupant consist of, first, the territorial law in general, as that which stands to the public order and social and commercial life of the district in a relation of mutual adaptation, so that any needless displacement of it would defeat the object which the invader is enjoined to have in view, and secondly, such variations of the territorial law as may be required by real necessity and are not expressly prohibited by any of the rules which will come before us. Such variations will naturally be greatest in what concerns the relation of the communities and individuals within the district to the invading army and its followers, it being necessary for the protection of the latter, and for the unhindered prosecution of the war by them, that acts committed to their detriment shall not only lose what justification the territorial law might give them as committed against enemies, but shall be repressed more severely than the territorial law would repress acts committed against fellow subjects. Indeed the entire relation between the invaders and the invaded, so far as it may fall within the criminal department whether by the intrinsic nature of the acts done or in consequence of the regulations made by the invaders, may be considered as taken out of the territorial law referred to what is called martial law." (Westlake, International Law, Part II, War, p. 96.)

o. The belligerent occupant may promulgate such new laws and regulations as military necessity demands, and in this class will be included those laws which come into being as a result of military rule; that is, those which establish new crimes and offenses incident to a state of war and are necessary for the control of the country and the protection of the army, for the principal object of the occupant is to provide for the security of the invading army and to contribute to its support and efficiency and the success of its operations (United States' Rules of Land Warfare, published in 1940, pp. 76-77.)

p. The crimes against national security and the law of nation and the crimes of public order are all of political complexion because the acts constituting those offenses are punished as political offenses for public rather than for private reason and during the Japanese occupation all acts in aid or favor of the enemy are directly against the welfare, safety and security of the belligerent occupant.

q. "To the extent to which the legal power of the occupant is admitted he can make law for the duration of his occupation. Like any other legislator he is morally subject to the duty of giving sufficient notice, when required by military necessity and so far as practically carrying out his will can be distinguished from punishment, but always remembering that to punish for breach of a regulation a person who was justifiably ignorant of it would be outrageous. But the law made by the occupant within his admitted power, whether morally justifiable or not, will bind any member of the occupied population as against any other member of it, and will bind as between them all and their national government, so far as it produces an effect during the occupation. When the occupation comes to an end and the authority of the national government is restored, either by the progress of operations during the war or by the conclusion of a peace, no redress can be had for what has been actually carried out but nothing further can follow from the occupant's legislation.

r. "In general, the acts of the occupant possess legal validity, and under international law should not be abrogated by the subsequent government. But this rule does not necessarily apply to acts that exceed the occupant's power (e. g., alienation of the domains of the State or the sovereign), to sentences for '*war treason*' and '*war crimes*', to acts of a political character, and to those that operate beyond the period of occupation. When occupation ceases, no reparation is legally due for what has already been carried out." (Wheaton's International Law, *supra*, p. 245.)

s. According to the precepts of the Hague Conventions, as the belligerent has the right and is burdened with the duty to insure public order and safety during his military occupation, he possesses all the powers of a *de facto* government, and he can suspend the old laws and promulgate new ones and make such changes in the old as he may see fit, but he is enjoined to respect, unless absolutely prevented by the circumstances prevailing in the occupied territory, the municipal laws in force in the country, that is, those laws which enforce public order and regulate the social and commercial life of the country. On the other hand, laws of a political

nature or affecting political relations, such as among others, the right of assembly, the right to bear arms, the freedom of the press, and the right to travel freely in the territory occupied, are considered as suspended or in abeyance during the military occupation. Although the local and civil administration of justice is suspended as a matter of course as soon as a country is militarily occupied, it is not usual for the invader to take the whole administration into his own hands. In practice, the local ordinary tribunals are authorized to continue administering justice; and the judges and other judicial officers are kept in their posts if they accept the authority of the belligerent occupant or are required to continue in their positions under the supervision of the military or civil authorities appointed by the Commander-in-Chief of the occupant. These principles and practice have the sanction of all publicists who have considered the subject, and have asserted by the Supreme Court and applied by the Presidents of the United States.

t. "The right of one belligerent to occupy and govern the territory of the enemy while in its military possession, is one of the incidents of war, and flows directly from the right to conquer. We, therefore, do not look to the Constitution or political institutions of the conqueror, for authority to establish a government for the territory of the enemy in his possession, during its military occupation, nor for the rules by which the powers of such government are regulated and limited. Such authority and such rules are derived directly from the laws of war, as established by the usage of the world, and confirmed by the writings of publicists and decisions of courts—in fine, from the law of nations... The municipal laws of a conquered territory, or the laws which regulate private rights, continue in force during military occupation, except so far as they are suspended or changed by the acts of the conqueror... He, nevertheless, has all the powers of a *de facto* government, and can at his pleasure either change the existing laws or make new ones." (Halleck, International Law, Vol. 2, p. 444.)

u. The powers of a military occupant are absolute and supreme and immediately operate upon the political conditions of the inhabitants. (President McKinley, in his Executive Order to the Secretary of War of May 19, 1898, relating to the occupation of the Philippines by United States forces.)

v. "The existence of a state of insurrection and war did not loosen the bonds of society, or do away with civil government or the regular administration of the laws. Order was to be preserved, police regulations maintained, crime prosecuted, property protected, contracts enforced, marriages celebrated, estates settled, and the transfer and descent of property regulated, precisely as in the time of peace x x x (Williams v. Bruffy, 96 U. S. 176, 192.)

w. "What occurred or was done in respect of such matters under the authority of the laws of these local *de facto* governments should not be disregarded or held to be invalid *merely* because those governments were organized in hostility to the Union established by the National Constitu-

tion; this, because the existence of war between the United States and the Confederate States did not relieve those who were within the insurrectionary lines from the necessity of civil obedience, nor destroy the bonds of society, nor do away with civil government or the regular administration of the laws, and because transactions in the ordinary course of civil society as organized within the enemy's territory, although they may have indirectly or remotely promoted the ends of the *de facto* or unlawful government organized to effect a dissolution of the Union, were without blame 'except when proved to have been entered into with actual intent to further invasion or insurrection.' " (Baldy v. Hunter, 171 U. S. 388, 400.)

x. "The government established over an enemy's territory during the military occupation may exercise all the powers given by the laws of war to the conqueror over the conquered, and is subject to all restrictions which that code imposes. It is of little consequence whether such government be called a military or civil government. Its character is the same and the source of its authority the same. In either case it is a government imposed by the laws of war, and so far as it concerns the inhabitants of such territory or the rest of the world, those laws alone determine the legality or illegality of its acts." (Halleck, International Law, Vol. 2, p. 466.)

y. Not only the Hague Regulations, but also the principles of international law, as they result from the usages established between civilized nations, the laws of humanity and the requirement of the public conscience, constitute or form the law of nations (Preamble of the Hague Conventions; Westlake, International Law, 2nd Ed., part II, p. 81.)

z. When the Commander-in-Chief of the Japanese Imperial Forces proclaimed on January 23, 1942, "the military administration under martial law over the territory occupied by the said army in order that all laws now in force in the Commonwealth, as well as executive and judicial institution, shall continue to be effective for the time being as in the past," and "all public officials shall remain in their present posts and carry on faithfully their duties as before," he followed the practices and precepts of the law of nation.

By Mr. Justice Ozaeta, concurring with the majority, in Peralta vs. Director of Prisons, G. R. No. L-49.

a. The so-called Republic of the Philippines is not a government established by the Filipino people in rebellion against the Commonwealth and the sovereignty of the United States.

b. The decisions of the Supreme Court of the United States declaring invalid Acts of a rebel state or of the Confederacy which were in furtherance or support of rebellion against the United States or which impaired the rights of citizens under the Constitution, rests on the proposition that the Union is perpetual and indissoluble and that obligation of allegiance to the state, and obedience to her laws, subject to the Constitution of the United States remained unimpaired during the War of Se-

cession. (See Texas vs. White, 74 U. S. 700, 19 L. ed., 227, 237; Williams vs. Bruffy, 96 U. S. 176, 24 L. ed., 716).

c. An invaded and occupied territory in the course of war between two independent nations is possessed temporarily by a lawful government at war with the country of which the territory so possessed is a part, and during their possession the obligations of the inhabitants to their country are suspended although not abrogated. (U. S. vs. Rice, 4 Wheaton 253, Fleming vs. Page, 9 How. 614; Baldy vs. Hunter, 171 U. S. 388, 43 L. ed., 208, 210.)

d. "The rule stated by Vattel, that the justice of the cause between two enemies being by the law of nations reputed to be equal, whatsoever is permitted to the one in virtue of war is also permitted to the other, applies to cases of regular war between independent nations. It has no application to the case of a war between an established government and insurgents seeking to withdraw themselves from its jurisdiction or to overthrow its authority." (Williams vs. Bruffy, 24 U. S. (L. ed.) 716.)

e. In a war between independent nations "the rights of the occupant as a law-giver have broad scope." He may "suspend the existing laws and promulgate new ones when the exigencies of the military service demand such action. According to the Rules of Land Warfare he will naturally alter or suspend all laws which affect the welfare of his command." (Hyde, International Law, Vol. 2, p. 367.)

f. In a war between independent nations the army of occupation has the right to enact laws and take measures hostile to its enemy, for its purpose is to harass and subdue the latter; and it is not bound to respect or preserve the rights of the citizens of the occupied territory under their Constitution.

g. It is a matter of contemporary history and common knowledge that the Japanese Military authorities in the Philippines never treated the Republic of the Philippines as an independent government after its inauguration, they continued to impose their will on its executive officials when their interests so required; the Japanese Military Police arrested and punished various high officials of said government including First Assistant Solicitor-General, and paid no attention to the protests and representations made on their behalf by the President of the Republic, and as a climax of their continual impositions, in December, 1944, the Japanese military authorities placed the President and the members of his Cabinet under the protective custody of the military police, and on the 22d of that month forced them to leave the seat of government in Manila and hide with them in the mountains.

h. While in theory and for the purpose of propaganda Japan professed to be a benefactor and liberator of the Filipinos, in practice she continued to enslave and oppress the Filipinos, as she saw that the latter remained loyal to the United States notwithstanding Japan's grant of independence to the Philippines.

i. The Filipinos merely feigned cooperation with the Japanese as their only means of self-preservation and those who could stay beyond

the reach of the Japanese Army of occupation manifested their hostility by harrassing and attacking that army.

j. The Republic of the Philippines was a mere instrumentality of the Commander-in-Chief of the Japanese army as military occupant, and all the official acts of that Republic must be deemed emanated from the powers of the said occupant.

k. "In consequence of his acquisition of the power to control the territory concerned, the occupant enjoys the right and is burdened with the duty to take all the measures within his power to restore and insure public order and safety. In so doing he is given great latitude with respect to choice of means and mode of procedure. This freedom may be partly due to the circumstance that the occupant is obliged to consider as a principal object the security, support, efficiency and success of his own force in a hostile land inhabited by nationals of the enemy..." (Hyde, International Law, Vol. 2, pp. 366, 367-368.)

l. "If occupation is merely a phase in military operations, and implies no change in the legal position of the invader with respect to the occupied territory and its inhabitants, the rights which he possesses over them are those which in the special circumstances represent his general right to do whatever acts are necessary for the prosecution of his war; in other words he has the right of exercising such control, and such control only, within the occupied territory, as is required for his safety and the success of his operations... On occupying a country an invader at once invests himself with absolute authority; and the fact of occupation draws with it as of course the substitution of his will for previously existing law whenever such substitution is reasonably needed, and also the replacement of the actual civil and judicial administration by military jurisdiction. In its exercise however this ultimate authority is governed by the condition that the invader, having only a right to such control as is necessary for his safety and the success of his operations, must use his power within the limits defined by the fundamental notion of occupation, and with due reference to its transient character. He is therefore forbidden as a general rule to vary or suspend laws affecting property and private personal relations, or which regulate the moral order of the community..." (Hall in his Treaties on International Law, 7th ed., pp. 498-499.)

By Mr. Justice De Joya, concurring with the majority, in Peralta vs. Director of Prisons, G. R. No. L-49, & Go Kim Cham vs. Valdes Tan Keh et al., G. R. No. L-5.

a. In occupied territory, the conquering power has a right to displace the pre-existing authority, and to assume to such extent as it may deem proper the exercise by itself of all the powers and functions of government. It may appoint all the necessary officers and clothe them with designated powers, according to its pleasure. It may prescribe the revenues to be paid, and apply them to its own use or otherwise. It may do anything necessary to strengthen itself and weaken the enemy. There

is no limit to the powers that may be exerted in such cases, save those which are found in the laws and customs and usages of war. (Cross v. Harrison, 16 How. 164; Leitensdorfer v. Webb, 20 Id. 176; etc.).

b. It is generally the better course for the inhabitants of the territory, under military occupation, that they should continue to carry on the ordinary administration under the invader; but the latter has no right to force them to do so. If they decline, his only right, and it is also his duty, is to replace them by appointees of his own, so far as necessary for maintaining order and the continuance of the daily life of the territory; other purposes, as those of the superior judicial offices, can bide their time. (Westlake, International Law, Part II War, 2d Ed., pp. 121-125.)

Though the fact of occupation imposes no duties upon the inhabitants of the occupied territory, the invader himself is not left equally free. As it is a consequence of his acts that the regular government of the country is suspended, he is bound to take whatever means are required for the security of public order; and as his presence, so long as it is based upon occupation, is confessedly temporary, and his rights of control spring only from the necessity of the case, he is also bound to alter or override the existing laws as little as possible. (Hall, International Law, 6th Ed., p. 476.)

c. The government established here under the Philippine Executive Commission was more in consonance with the general practice among civilized nations, in establishing governments for the maintenance of peace and order and the administration of justice, in territories of the enemy under military occupation; because said government was of a temporary character.

d. The government subsequently established under the so-called Philippine Republic, with a new constitution, was also of the nature of a *de facto* government, in accordance with International Law, as it was established under the authority of the military occupant and supported by the armed forces of the latter. But it was somewhat different from that established under the Philippine Executive Commission, because the former apparently, at least, had the semblance of permanency, which, however, is unusual in the practices among civilized nations, under similar circumstances.

e. Under military occupation, the original national character of the soil and of the inhabitants of the territory remains unaltered; and although the invader is invested with quasi-sovereignty, which gives him a claim as of right to the obedience of the conquered population, nevertheless, its exercise is limited by the qualification which has gradually become established, that he must not, as a general rule, modify the permanent institutions of the country. (Hall, International Law, 6th Ed., p. 460.)

f. As International Law is an integral part of our laws, it must be ascertained and administered by this Court, whenever questions of right depending upon it are presented for our determination, sitting as an in-

ternational as well as a domestic Tribunal (Kansas vs. Colorado, 185 U. S. 146, 22 Sup. Ct. 552, 46 L. ed., 838.)

g. Since International Law is a body of rules actually accepted by nations as regulating their mutual relations, the proof of the existence of a given rule is to be found in the consent of nations to abide by that rule; and this consent is evidenced chiefly by the usages and customs of nations, and to ascertain what these usages and customs are, the universal practice is to turn to the writings of publicists and to the decisions of the highest courts of the different countries of the world. (The Habana, 175 U. S. 677, 20 Sup. Ct. 290, 44 L. Ed., 320.)

h. The Hague Convention of 1899, respecting laws and customs of war on land, expressly declares that:

“Art. XLII. Territory is considered occupied when it is actually placed under the authority of the hostile army.

“The occupation applies only to the territory where such authority is established, and in a position to assert itself.

“Article XLIII. The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall take all steps in his power to reestablish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.” (32 Stat. II, 1821.)

The above provisions of the Hague Convention have been adopted by the nations giving adherence to them, among which is the United States of America (32 Stdt. II, 1821.)

i. The Commander-in-Chief of the invading forces of military occupant may exercise governmental authority, but only when in actual possession of the enemy's territory, and this authority will be exercised upon principles of International Law (New Orleans vs. Steamship Co. (1874) 20 Wall. 387; Kelly vs. Sanders (1878) 99 U. S. 441; Macleod vs. U. S., 229 U. S. 416, 33 Sup. Ct. 955, 57 L. Ed., 1260; II Oppenheim on International Law, sec. 167).

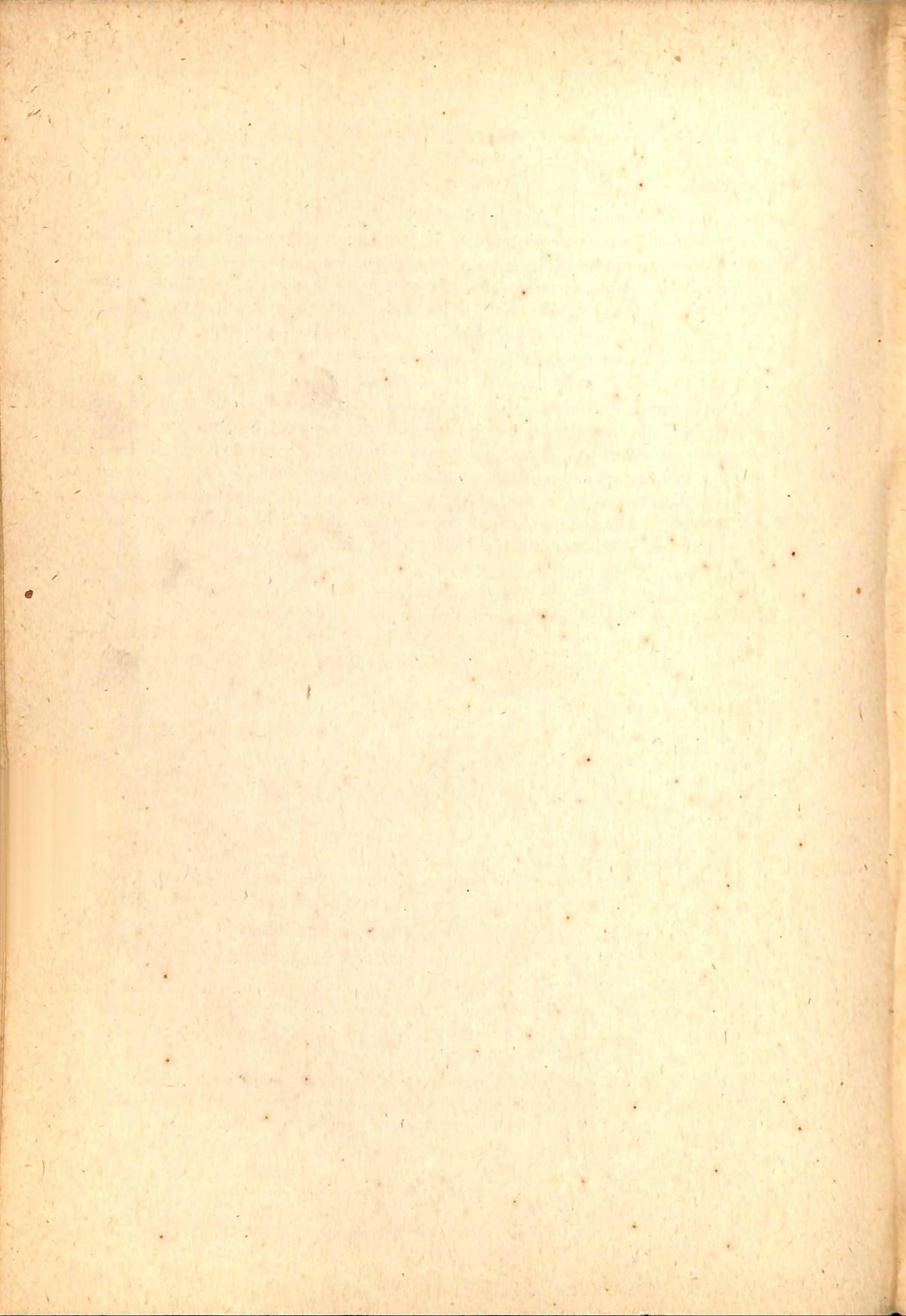
j. The Philippines was under Japanese military occupation, from May, 1942, up to the time of the reconquest by the armed forces of the United States of the Island of Luzon, in February, 1945.

k. The establishment of the government under the so-called Philippine Republic, during Japanese occupation, respecting the laws in force in the country, and permitting the local courts to function and administer such laws, as proclaimed in the City of Manila, by the Commander-in-Chief of the Japanese Imperial Forces, on January 3, 1942, was in accordance with the rules and principles of International Law.

l. The Confederate States were a *de facto* government in the sense that its citizens were bound to render the government obedience in civil matters, and did not become responsible, as wrongdoers, for such acts of obedience (Thorington vs. Smith, 8 Wall. (U. S.) 9, 19 L. Ed., 361.)

m. The government established in the Philippines, during Japanese occupation, would seem to fall under the following definition of *de facto* government given by the Supreme Court of the United States:

"But there is another description of government, called also by publicists a government *de facto*, but which might, perhaps, be more aptly denominated a government of paramount force. Its distinguishing characteristics are (1) that its existence is maintained by active military power within the territories, and against the rightful authority of an established and lawful government; and (2) that while it exists it must necessarily be obeyed in civil matters by private citizens who, by acts of obedience rendered in submission to such force, do not become responsible, as wrongdoers, for those acts, though not warranted by the laws of the rightful government. Actual governments of this sort are established over districts differing greatly in extent and conditions. They are usually administered directly by military authority, but they may be administered also, by civil authority, supported more or less directly by military force." (Macleod v. United States (1913), 229 U. S. 416.)



APPENDIX "I"

A TIMELY WARNING GIVEN BY MR. RECTO IN 1934 AGAINST JAPAN'S "ASIATIC MONROEISM"

In August 1934, Mr. Recto, then the President of the Philippine Constitutional Convention just convened for the preparation and drafting of the Commonwealth Constitution, in an address delivered before the Manila Rotary Club in the presence of the Japanese Consul-General, discussed the American Monroe Doctrine and Japan's Asiatic Monroeism, saying in part:

"But we are in the Pacific and the real danger for us, that danger that impends and against which the Filipino people must be ready to muster all their resources as well as their statesmanship and patriotism, is not the economic collaboration of America which we should foster and stimulate but such other economic ascendancy, such Monroeism which in view of geographical factors will mean for us and our posterity our economic pauperism and our political extinction. This danger is real and we must be ready to meet it with courage and determination."

The day following the delivery of Mr. Recto's address, the *Tribune*, an independent and at the time the most influential newspaper in Manila, published the following editorial comment:

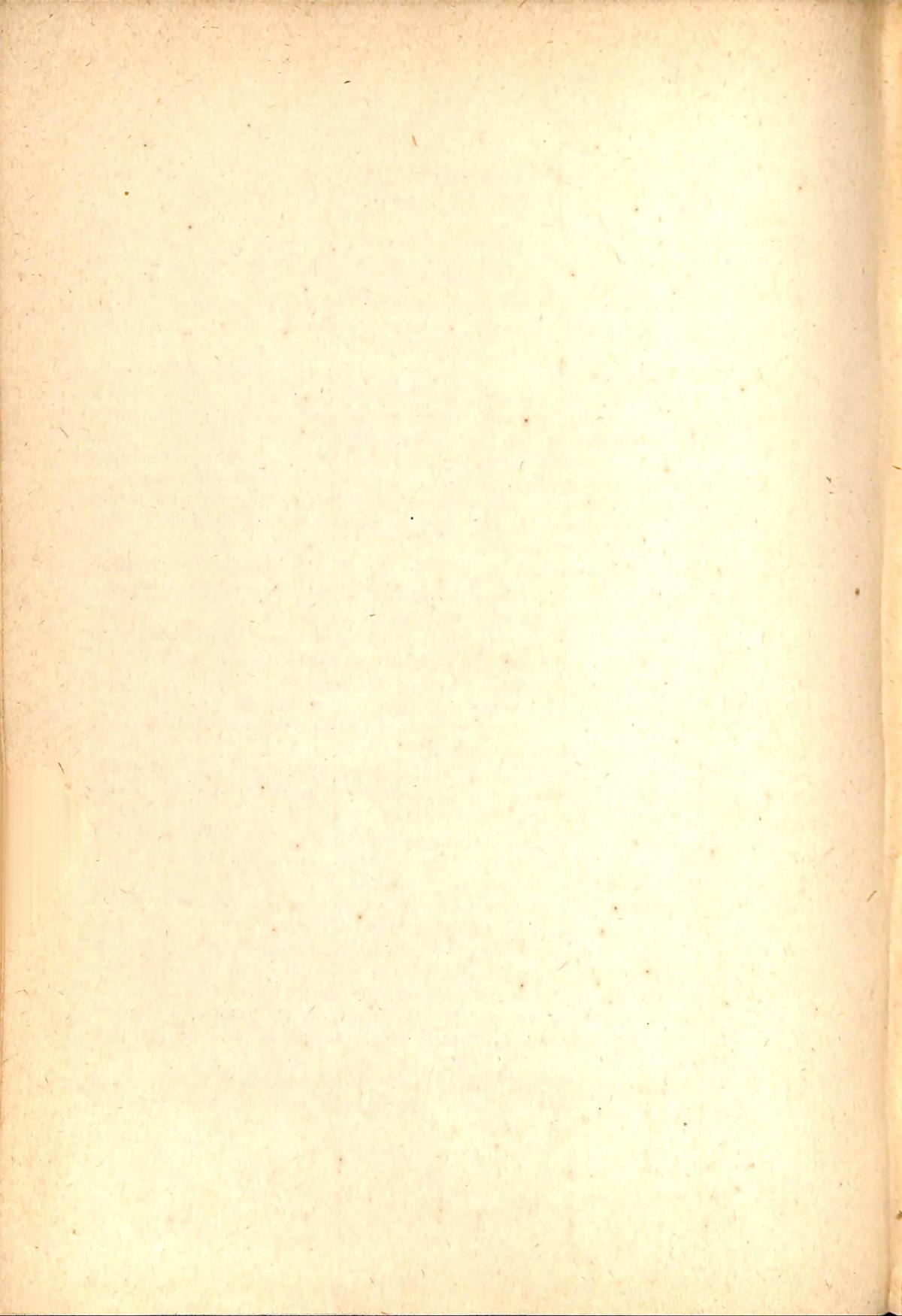
"Those who have thought of the position of these islands in the Far East and of the political explosions in this part of the world, will find in these words of President Recto an echo of their own conclusions on what may befall this country. And his and their fear is reasoned out of history in the making in Eastern Asia since the opening of the century.

"Moreover it has been a history of domination and expansion not merely reaching out our threshold but actually our gate. Thus, President Recto said, the danger is real.

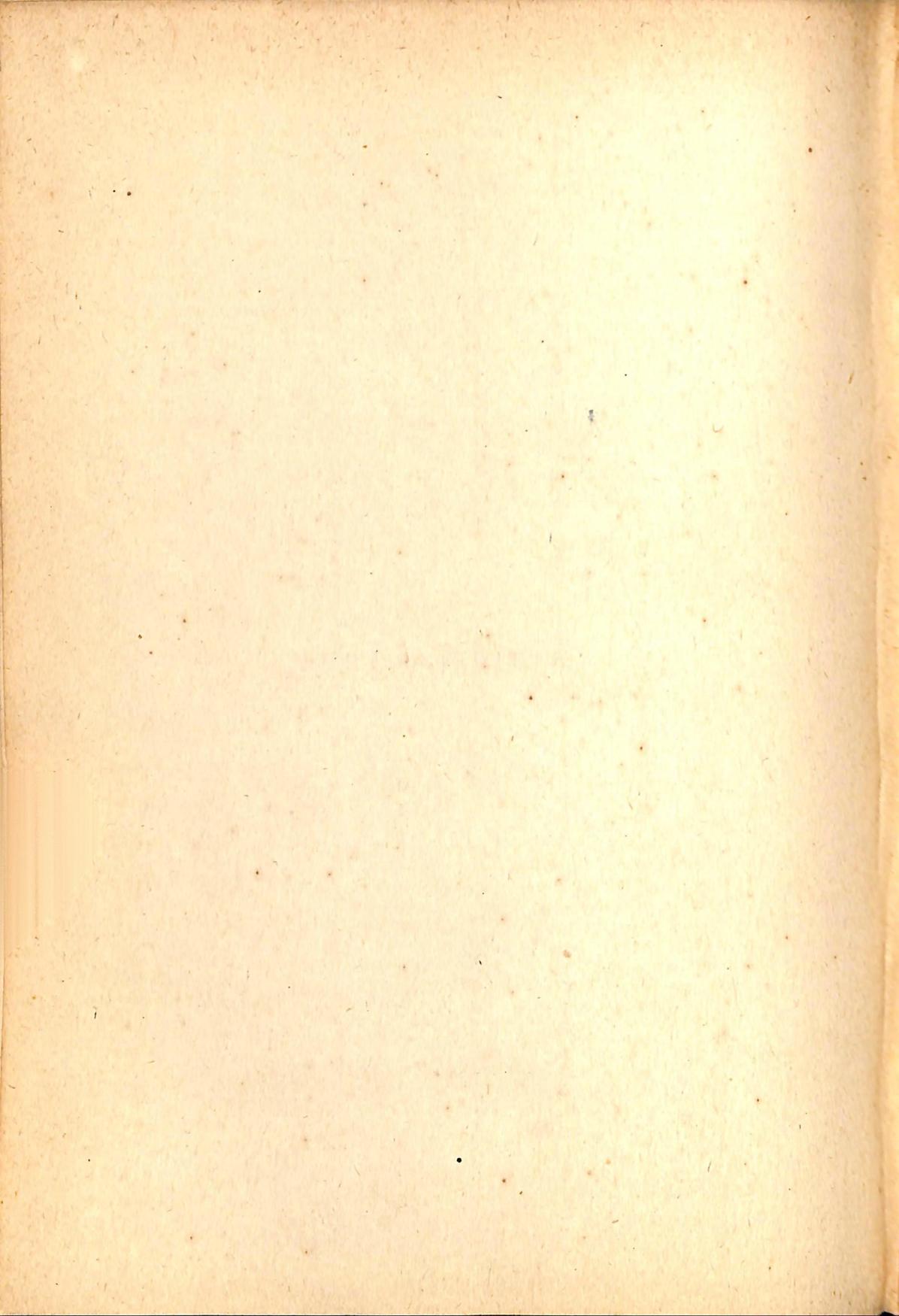
"There has been a reluctance among the other Filipino leaders to speak as President Recto has spoken. It may be that they have not the fear for the future of this country that so engross him. Or perhaps they have not the vision that is his. Or, very likely, they have chosen to let things go unheeded as the best policy.

"But in view of the imminence of independence, President Recto's open and direct assertion of a fate that can be only "our economic pauperism and political extinction", if disturbing, is pointedly the practical stand. In common honesty if not as a matter of sagacity and statecraft, the people should be told of the real danger.

"The people should not be led to their freedom with their eyes closed to this reality or with their leaders running away from it."



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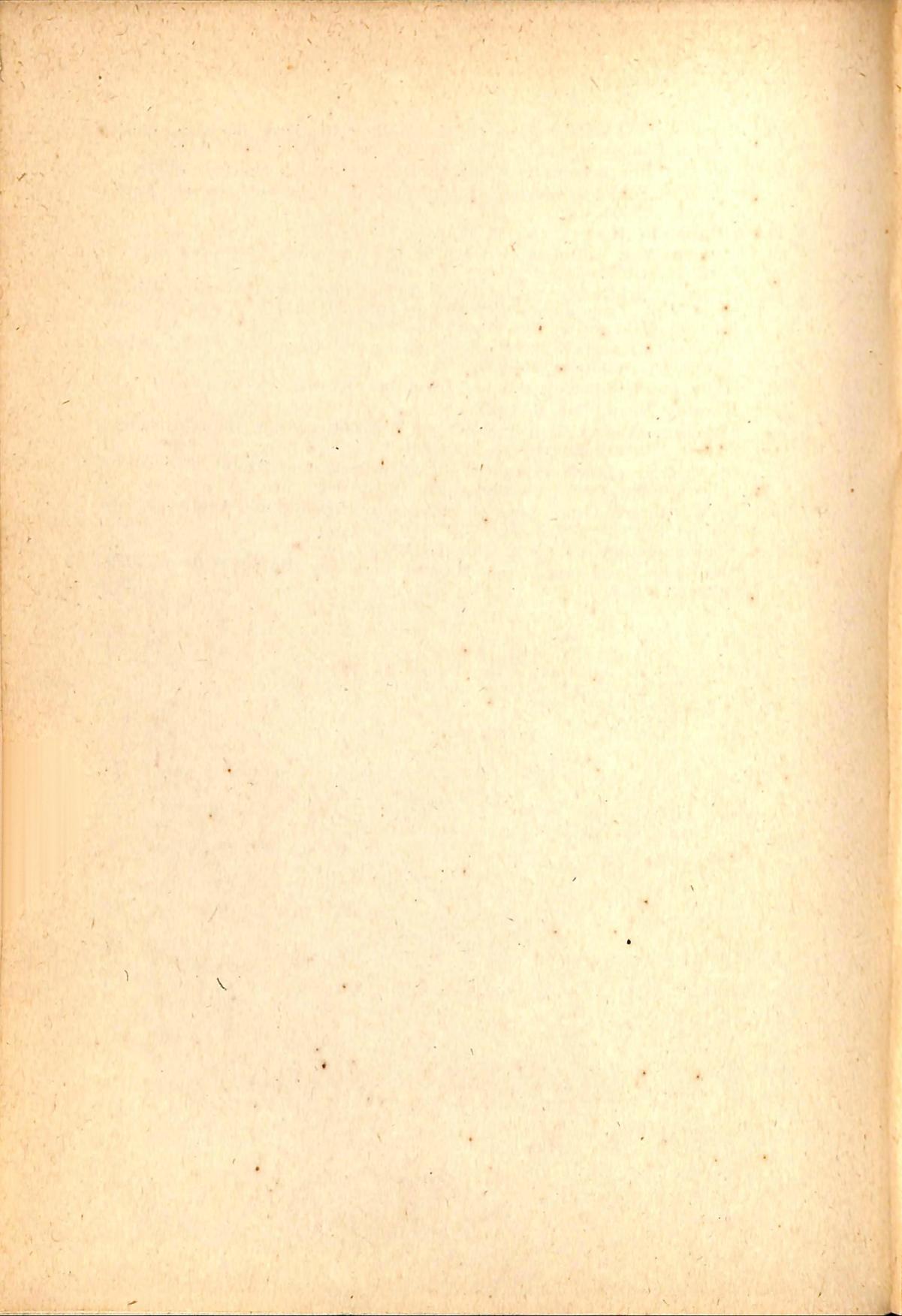
FOR the discussion of the events and the general situation in the Philippines during the Japanese occupation, the author has relied mainly on the contemporary news publications in Manila, namely, the Official Journal of the Japanese Military Administration (Vols. I to XIII), *The Tribune* (Manila Sinbunsha), and the daily sheets released by the Domei News Agency. The particular issues of these publications from which the materials used in this article have been taken are not mentioned except in a few instances, because they are altogether too numerous to be individually listed and because unless one had actually remained and lived in the territory under effective military occupation by the enemy, one cannot form a fairly accurate picture of the conditions at the time by an objective perusal, in retrospect, of the contents of the aforesaid publications.

The other sources of materials used are given below:

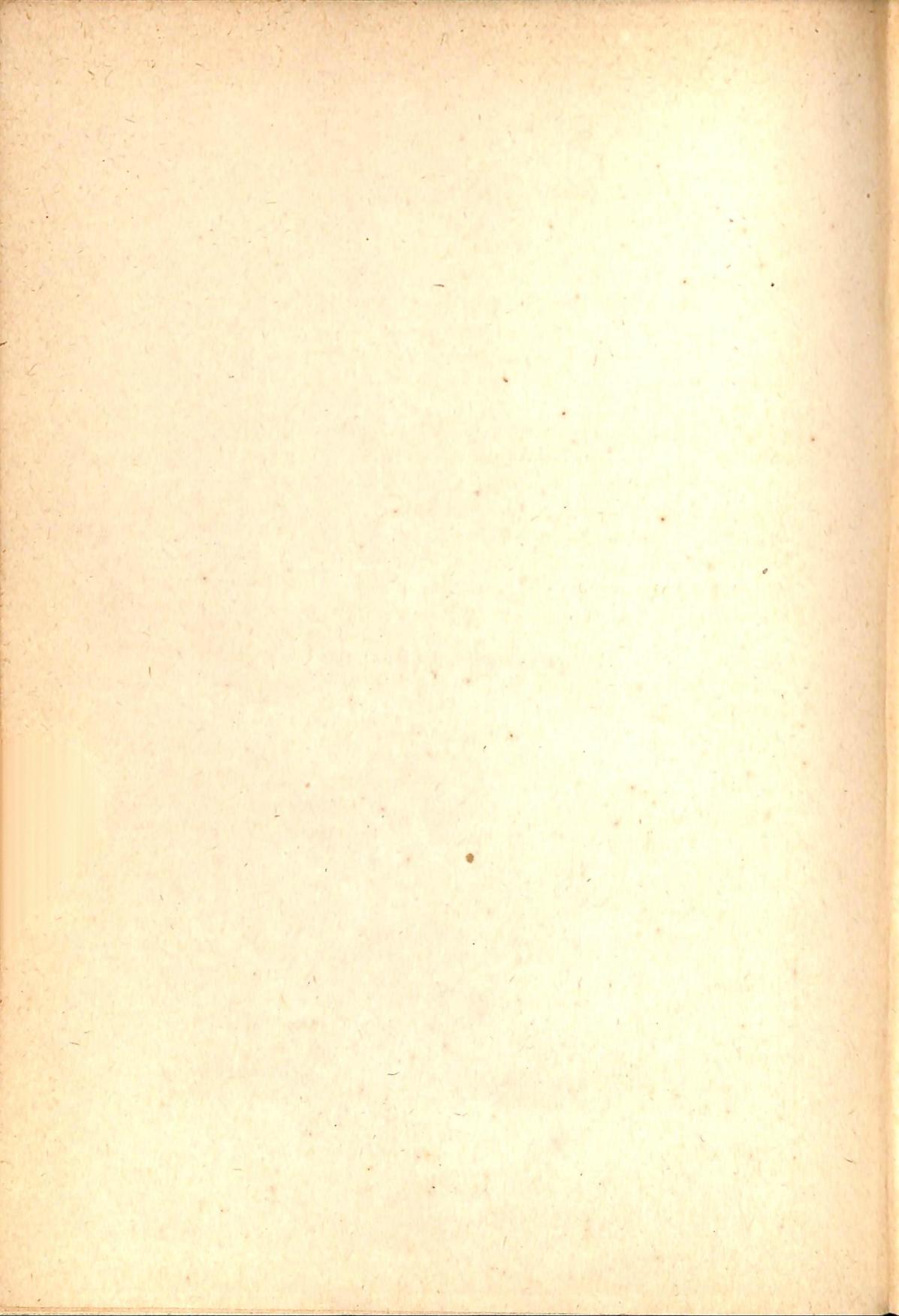
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BIOGRAPHICAL



CLARO M. RECTO

Born, February 8, 1890, in Tiaong, Tayabas.
A.B. degree, Ateneo de Manila, 1909.
LL.M. degree, University of Sto. Tomas, 1914.
Admitted to the Philippine Bar and licensed to practice law, 1914.
Appointed legal adviser to the First Philippine Senate, 1916.
Elected Member, House of Representatives for the Third District of Batangas, 1919.
Minority Floor Leader, House of Representatives, 1919-1922.
Reelected for a second three-year term, House of Representatives, 1922.
Minority Floor Leader, House of Representatives, 1922-1925.
Member, Parliamentary Independence Mission to the U. S., 1924.
Admitted to the Bar of the United States Supreme Court, 1924.
Reelected for the third time, House of Representatives, 1925.
Minority Floor Leader, House of Representatives, 1925-1928.
Elected Senator for a 6-year term for the Fifth Senatorial District comprising the Provinces of Batangas, Tayabas, Cavite, Mindoro and Marinduque to succeed Mr. Jose P. Laurel, 1931. (President Quezon was then the senior senator for this same district.)
Minority Floor Leader, Senate, 1931-1934.
Elected Delegate to the Constitutional Convention, 1934.
Unanimously chosen President, Constitutional Convention, 1934.
Majority Floor Leader and President Pro-tempore, Senate, 1934.
Presided over the Constitutional Convention, 1934-1935.
Signed the Commonwealth Constitution as President of the Constitutional Convention, February 8, 1935.
Presented the Commonwealth Constitution to President Roosevelt for the latter's approval and signature, 1935.
Appointed by President Roosevelt Associate Justice of the Philippine Supreme Court to fill the vacancy left by Justice Thos. A. Street, 1935.
Resigned as President Pro-Tempore of the Senate and as Senator and inducted into the Supreme Court, 1935.
Conferred the degree of LL.D. (Honoris Causa), Manila University, 1936.
Resigned post in Supreme Court to resume law practice, 1936.
Elected Senator at the National Elections of November, 1941, having polled the highest number of votes among the 24 elected Senators.

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